

**AGENDA
BOROUGH OF MONTVALE
WORK SESSION MEETING
Mayor and Council Meeting
October 25, 2022
Meeting to Commence 7:30 P.M.**

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

ORDINANCES:

None

MINUTES:

October 11, 2022

CLOSED/EXECUTIVE MINUTES:

None.

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

161-2022 Authorize The Cancellation of 4th Quarter Property Taxes and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

BILLS:

ENGINEER'S REPORT:

Andrew Hipolit
Report/Update

ATTORNEY REPORT:

Joe Voytus, Esq.
Report/Update

UNFINISHED BUSINESS:

- a. Review/Comments/RecommendationsAN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS
 - 1) Montvale Planning Board Recommendation

NEW BUSINESS:

- a. 2023 Health Benefits Determination/Borough Employees/Open Enrollment/Percentage of Contributions Employee Contributions Toward Medical Plans/Determination Health Savings Account (HSA) Contribution Limits
- b. Certificate of Determination & Award/FYI

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

The next Regular Public Regular Meeting of the Mayor & Council to be held on **Thursday, November 10th, 2022 at 7:30 pm.** (due to Election Day being held on Tue. November 8 Council Chambers is a polling location)

*******Disclaimer***** Subject to Additions And/Or Deletions**

PUBLIC MEETING
MINUTES

The Public Meeting of the Mayor and Council was held in the Council Chambers and called to order at 7:37PM. Adequate notification was published in the official newspaper of the Borough of Montvale. A few members of the Panthers softball team led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Also Present: Mayor Mike Ghassali; Borough Attorney, Joe Voytus; Administrator/Municipal Clerk, Maureen Iarossi-Alwan; and Deputy Municipal Clerk, Fran Scordo.

ROLL CALL:

Councilmember Arendacs
Councilmember Cudequest
Councilmember Koelling

Councilmember Lane - absent
Councilmember Roche
Councilmember Russo-Vogelsang

PROCLAMATION

1st and 2nd grade Montvale Panthers Softball Travel League Champions

PRESENTATION: R. Hanrahan, Environmental Commission Chairman/DEP Regulated Lands
Included with original minutes

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2022-1525 AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO REVISE CERTAIN CONSTRUCTION PERMIT FEES AND OTHER SUBCODE PERMIT FEES AND TO PROVIDE FOR A NEW TENANT/ RESALE CERTIFICATE

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 10, "Construction permit," is hereby amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:

§ 170-10 Construction permit.

The fee for a construction permit shall be the sum of the subcode fees listed hereinafter, plus all applicable special fees listed herein, and shall be paid before the permit is issued. All fees are to be rounded to the nearest dollar amount.

A. The building subcode fees shall be:

- (1) New construction: \$0.0371 per cubic foot of building or structure volume.
- (2) Minimum fee for new construction: \$250.

- (3) Additions: \$0.0371 per cubic foot of building or structure volume.
- (4) Minimum fee for additions: \$150.
- (5) Alterations or renovations: \$20 per \$1,000 of the estimated cost of construction.
- (6) Minimum fee for alterations or renovations: ~~\$100.~~ \$150.
- (7) All other fees shall be as follows:

(a) Roofs:

[1] Residential: ~~No fee.~~ \$75.

[2] Commercial: ~~\$150.~~ \$200.

(b) Siding: ~~\$75.~~ No fee.

(c) Pools:

[1] Aboveground: ~~\$75.~~ \$100.

[2] In-ground: \$200 plus C.O. fee.

(d) Sheds (over 100 square feet): \$150.

(e) Tennis courts: \$250.

(f) Asbestos/lead abatement: \$75.

(g) Tank installation:

[1] Residential: ~~\$75.~~ \$100.

[2] Commercial: \$150.

(h) ~~[Reserved]~~ Tank removal:

[1] ~~Residential: \$75.~~

[2] ~~Commercial: \$150.~~

(i) Stoves (fuel-burning): \$75.

(j) Fences: ~~\$50.~~ \$75.

(k) Demolition:

[1] Principal residential: ~~\$250-~~ \$400.

[2] Accessory residential: ~~\$50-~~ \$150.

[3] Commercial: ~~\$500-~~ \$750.

(l) Air conditioning:

[1] Residential: \$75.

[2] Commercial: \$20 per \$1,000.

(m) Radon: \$60.

(n) Certificate of occupancy:

[1] Residential (N S F D): \$150.

[2] Residential (addition): ~~\$75-~~ \$100.

[3] Others (less than 10,000 square feet): \$150.

[4] Others (10,000 square feet and above): \$300.

(o) Certificate of compliance for asbestos: \$20.

(p) Signs:

[1] Thirty square feet or less: \$50.

[2] Over 30 square feet: \$100.

(q) All accessory structures not specifically mentioned above: \$100.

B. Plumbing subcode fees shall be:

(1) Minimum fee:

(a) Residential: ~~\$60-~~ \$75.

(b) Commercial: ~~\$100-~~ \$150.

(2) Residential (per fixture): ~~\$17-~~ \$20.

(3) Commercial (per fixture): ~~\$20-~~ \$25.

(4) Other fees shall be as follows:

(a) Piping (or fuel oil): ~~\$50.~~ \$75.

(b) Sewer connection: ~~\$70.~~ \$75.

(c) Water service connection: ~~\$70.~~ \$75.

(d) Water heater:

[1] Residential: ~~\$40.~~ \$100.

[2] Commercial: ~~\$50.~~ \$100.

(e) Boiler:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(f) Sewer pump:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(g) Air conditioning:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(h) Swimming pools:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

(i) Interceptor/separator: ~~\$50.~~ \$75.

(j) Backflow preventer: ~~\$50.~~ \$75.

(k) Refrigeration unit: ~~\$50.~~ \$75.

(l) Chimney Liner: \$75.

(m) Furnace: \$75.

(n) All other devices:

[1] Residential: ~~\$40.~~ \$75.

[2] Commercial: ~~\$50.~~ \$100.

C. The electrical subcode fees shall be:

(1) Minimum fee:

(a) Residential: ~~\$60.~~ \$75.

(b) Commercial: ~~\$100.~~ \$150.

(2) Fixtures and receptacles:

(a) One to 50: ~~\$50.~~ \$75.

(b) Each additional 25: ~~\$25.~~ \$30.

(3) Motors:

(a) One-eighth horsepower to one horsepower: ~~\$20.~~ \$30.

(b) One horsepower to 10 horsepower: ~~\$30.~~ \$40.

(c) Ten horsepower to 50 horsepower: ~~\$40.~~ \$50.

(d) Fifty horsepower to 100 horsepower: \$100.

(e) One hundred horsepower and over: \$400.

(4) Electrical devices:

(a) One kilowatt to 10 kilowatt: ~~\$20.~~ \$75.

(b) Ten kilowatt to 45 kilowatt: ~~\$40.~~ \$100.

(c) Forty-five kilowatt to 112.5 kilowatt: ~~\$70.~~ \$200.

(d) 112.5 kilowatt and over: \$400.

(5) Service:

(a) Two hundred ampere: ~~\$50.~~ \$100.

(b) Six hundred ampere: ~~\$85.~~ \$125.

(c) One thousand ampere: \$150.

(d) Over 1,000 ampere: \$300.

- (e) Temporary service: ~~\$50.~~ \$75.
 - (6) Generators/transformers:
 - (a) One kilowatt to 7.5 kilowatt: ~~\$40.~~ \$75.
 - (b) 7.5 kilowatt to 30 kilowatt: ~~\$65.~~ \$100.
 - (c) Thirty kilowatt to 60 kilowatt: ~~\$85.~~ \$125.
 - (d) Sixty kilowatt to 112.5 kilowatt: ~~\$150.~~ \$200.
 - (e) Over 112.5 kilowatt: ~~\$450.~~ \$600.
 - (7) Other fees shall be as follows:
 - (a) Heat, smoke, burglar detectors, data, telephone, intercoms:
 - [1] Residential: ~~\$25.~~ \$75.
 - [2] Commercial one to 25: ~~\$125.~~ \$150.
 - [3] Each additional 25: ~~\$25.~~ \$40.
 - (b) Bonding: ~~\$45.~~ \$50.
 - (c) Pools, whirlpools, spas with bonding: ~~\$45.~~ \$75.
 - (d) Light standards:
 - [1] One to 10: ~~\$75.~~
 - [2] Each additional: ~~\$5.~~ \$10.
 - (e) Trench inspections: ~~\$25.~~ \$50.
- D. Fire subcode fees shall be:
- (1) Minimum fee:
 - (a) Residential: ~~\$60.~~ \$75.
 - (b) Commercial: ~~\$100.~~ \$150.
 - (2) Detectors and sprinkler heads:
 - (a) One to 50: ~~\$80.~~ \$200.

(b) 51 to 100: ~~\$150.~~ \$250.

(c) 101 to 200: ~~\$200.~~ \$300.

(d) 201 to 400: ~~\$400.~~ \$600.

(e) Over 400: \$1,000.

~~(f) Over 500: \$750.~~

(3) Suppression systems:

(a) Fire pump: ~~\$200.~~ \$250.

(b) Dry pipe, alarm valves, preaction valves, standpipes:

[1] 2.5-inch pipe: \$75.

[2] Four-inch pipe: \$125.

[3] Six-inch pipe: \$175.

[4] Eight-inch pipe: \$225.

[5] Over eight inches: \$275.

(4) Other fees shall be as follows:

(a) Storage tanks, flammable, combustible, LPG:

[1] Residential: \$200.

[2] Commercial \$400.

(b) Alarm devices, supervisory, signaling:

[1] Residential: \$75.

[2] Commercial: ~~\$175.~~

First 1-10: \$200.

11-50: \$20 each.

Over 50: \$25 each.

(c) Kitchen hood exhaust systems:

[1] Residential: [\$50.] \$75.

[2] Commercial: [\$100.] \$200.

(d) Gas/oil-fired appliance: \$75.

(e) Wood stoves: \$75.

(f) Preengineered systems: \$125.

(g) Pool heater: \$75.

(h) Solar panels:

[1] Residential: \$75.

[2] Commercial: \$200.

(i) Tank removal:

[1] Residential: \$100.

[2] Commercial: \$150.

E. Elevator fees shall be as set forth in N.J.A.C. 5:23 Subchapter 12.

(1) Acceptance test. The fee for elevators in structures not in Use Groups R-3 and R-4 shall be as follows:

(a) Traction and winding drum elevators:

[1] One to 10 floors: \$340; administrative fee: \$68.

[2] Over 10 floors: \$567; administrative fee: \$113.

[3] Hydraulic elevators: \$302; administrative fee: \$60.

[4] Rope hydraulic elevator: \$340; administrative fee: \$68.

[5] Escalator and moving walks: \$302; administrative fee: \$60.

[6] Dumbwaiter: \$76; administrative fee: \$15.

[7] Stairway chair lift, incline and vertical wheelchair and man lift: \$76;
administrative fee: \$15.

(2) Additional charges for device equipped with the following features shall be as follows:

(a) Oil buffers: \$60; administrative fee: \$12.

- (b) Counterweight governor and safeties: \$151; administrative fee: \$30.
- (c) Auxiliary power generator: \$114; administrative fee: \$23.
- (3) The fee for elevator devices in structures in Use Groups R-3 and R-4 shall be per N.J.A.C. 5:23-12.6(a)3: \$227; administrative fee: \$45.
- (4) The fee for witnessing acceptance test of and performing inspections of alterations shall be per N.J.A.C. 5:23-12.6(a)4: ~~\$76~~ \$100; administrative fee: ~~\$15~~ \$25.
- (5) The fee for routine six-month tests and inspections for elevator devices in structures not in Use Groups R-3 and R-4 shall be as follows:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$190.
 - [2] Over 10 floors: \$244.
 - [3] Hydraulic elevators: \$136.
 - [4] Rope hydraulic elevator: \$190.
 - [5] Escalator and moving walks: \$190.
- (6) The fee for one-year periodic inspection and witnessing of tests of elevator devices, which shall include six-month routine inspection, shall be as follows, per N.J.A.C. 5:23-12.6(b)2.i through iv:
- (a) Traction and winding drum elevators:
- [1] One to 10 floors: \$302; administrative fee: \$60.
 - [2] Over 10 floors: \$362; administrative fee: \$72.
 - [3] Hydraulic elevators: \$227; administrative fee: \$45.
 - [4] Rope hydraulic elevator: \$302; administrative fee: \$60.
 - [5] Escalator and moving walks: \$484; administrative fee: \$97.
 - [6] Dumbwaiter: \$120; administrative fee: \$24.
 - [7] Stairway chair lift, incline and vertical wheelchair and man lift: \$183; administrative fee: \$37.
- (7) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows, per N.J.A.C. 5:23-12.6(b)3.i thru iii:

- (a) Oil buffers: \$60; administrative fee: \$12.
- (b) Counterweight governor and safeties: \$120; administrative fee: \$24.
- (c) Auxiliary power generator: \$76; administrative fee: \$15.
- (8) The fee for three- or five-year inspection of elevator devices shall be as follows, per N.J.A.C. 5:23-12.6(b)4.i and ii:
 - (a) Traction and winding drum elevators:
 - [1] One to 10 floors (five-year inspection): \$513; administrative fee: \$103.
 - [2] Over 10 floors (five-year inspection): \$646; administrative fee: \$129.
 - (b) Hydraulic and roped hydraulic elevator:
 - [1] Three-year inspection: \$387; administrative fee: \$77.
 - [2] Five-year inspection: \$227; administrative fee: \$45.

F. New Jersey state permit surcharge fee shall be as set forth in N.J.A.C. 5:23-4.19.

Section 2. Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 11, "Other certificates and permits," is hereby amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:

§ 170-11 Other certificates and permits.

Other certificates and permit fees shall be as follows:

- A. Accessory structures (less than 100 square feet): ~~\$100.~~ \$150.
- B. Signs.
 - (1) Application fee: ~~\$150.~~ \$200.
 - (2) Refacing of message per side: \$50.
 - (3) Temporary signs: \$100.
 - (4) Temporary sign renewal (six months): ~~\$100.~~ \$250 annually. Due by January 31 of each calendar year.
- C. Certificate of continued occupancy:
 - (1) Residential: ~~\$100.~~ \$150.
 - (2) Commercial: ~~\$200.~~ \$250.
 - (3) Use groups other than R-3 with a total floor area of more than 10,000 square feet (A CCO shall be required for a change of ownership of a commercial structure.): ~~\$250.~~ \$500.
- D. Temporary trailers (one year): \$100; temporary trailers (2 weeks): \$25.
- E. Special letters: \$100.
- F. Fence permits: ~~\$50.~~ \$100.
- G. Satellite dishes and antenna structures: ~~\$75.~~ \$100.
- H. Engineering fees.
 - (1) In order to ensure that the Borough standards are met for all site improvements, including curbs, sidewalks, driveway pavement, seepage pits and to create zero runoff from new residential single-family dwelling construction and additions, swimming pools, tennis and retaining walls over four feet, the

following fees shall be collected. An administrative fee of 20% will be deducted from each fee:

	Review	Construction	Total
New single-family dwelling	\$250	\$250	\$500
Additions to single- family dwelling	\$150	\$150	\$300
Swimming pools, tennis courts	\$150	\$100	\$250
Retaining walls over four feet in height	\$200	\$250	\$450

- I. Change of contractor performing permitted work: \$25.
- J. Driveway: \$50.
- K. Patio/pavers: \$50.
- L. Filling (less than 50 cubic yards): \$50.
- M. Generator pad: \$50.
- N. Retaining walls: \$100.
- O. Violations and penalties. Violations of this section shall be punished as set forth in Chapter 1, Article I, General Penalty.

Section 3. Chapter 170 of the Borough of Montvale Code, "Construction Codes, Uniform," Section 14, "Certificate of occupancy and certificate of continued occupancy," is hereby retitled and amended and supplemented by adding the underlined text and deleting the struckthrough text, as follows:
§ 170-14 Certificate of occupancy, and certificate of continued occupancy, and new tenant/ resale certificate.

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

CERTIFICATE OF CONTINUED OCCUPANCY

The certificate provided for at N.J.A.C. 5:23-2.23 of the State Uniform Construction Code which certifies that, as a result of a general inspection of the visible parts of the existing dwelling, there are no apparent violations of the regulations.

CERTIFICATE OF OCCUPANCY

The certificate provided for at N.J.A.C. 5:23-2.23 of the State Uniform Construction Code which certifies that all work covered by a construction permit has been completed in accordance with the permit, the code and other applicable laws and ordinances.

DWELLING

One- and two-family residences.

NEW TENANT/ RESALE CERTIFICATE

A certificate issued by the Construction Official upon a change in ownership or transfer of title or lease of real property to a new owner or tenant to any dwelling or rental space certifying that there are no violations of law or orders of the Construction Official pending and it has been established, after inspection and investigation of available municipal records, that the alleged use of the dwelling has lawfully existed.

OWNER

Any person who, alone or jointly or severally with others, shall have legal title to any dwelling with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the

provisions of this chapter and the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

B. Certificate types:

(1) Certificate of eOccupancy.

(a) New buildings: A building or structure erected shall not be used or occupied in whole or part until a form of a certificate of occupancy shall have been issued by the Construction Official.

(2)

(b) Building hereafter altered: A building or structure hereafter enlarged, extended or altered shall not be occupied or used until the certificate of occupancy shall have been issued by the Construction Official. Any use or occupancy which was not discontinued during the work or alteration shall be discontinued within 30 calendar days after the completion of the alteration unless the certificate of occupancy is secured from the enforcing agency.

(2) Certificate of Continued Occupancy:

(a) Upon request of the owner of an existing building or structure, the Construction Official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending, and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that no violations of N.J.A.C. 5:23-2.14 have been determined to have occurred, and no unsafe conditions violative of N.J.A.C. 5:23-2.32(a) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

(3) New Tenant/ Resale Certificate:

(a) Existing dwellings: No person shall change ownership or otherwise transfer title or lease of the same to a new owner or tenant to any dwelling or rental unit unless and until that person shall have first obtained from the Construction Official a New Tenant/ Resale Certificate. ~~certificate of continued occupancy.~~ The Construction Official, with the approval of the subcode officials, shall issue a ~~certificate of continued occupancy~~ New Tenant/ Resale Certificate, provided that there are no violations of law or orders of the Construction Official pending and it is established, after inspection and investigation of available municipal records, that the alleged use of the dwelling has lawfully existed. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing dwelling.

C. Application for certificate.

(1) Prior to occupancy, change of ownership or transfer of title of any building, structure or dwelling, as applicable, application for a the appropriate certificate permitting occupancy shall be made in writing to the Construction Official by the owner, and consent shall be

given therewith to the Construction Official or his agent to enter upon and examine the building, structure or dwelling for which the application is applied for.

- (2) All applications for such certificates shall be made in writing and shall state the name and address of the owner of the building, structure or dwelling and the name and address of the buyer, if a sale or transfer of title, of the seller, and shall further state the name and address of the sales agent, if any, and shall describe the premises to be occupied, including the street address thereof.

D. Inspections.

- (1) Upon request for a certificate provided for in this section, ~~The~~ Construction Official or his agent shall conduct an inspection of the premises to ensure compliance with applicable municipal ordinances and rules and regulations affecting the use and occupation of all such buildings, structures or dwellings. The inspection for a certificate of occupancy shall also require compliance with, but not be limited to, the following:
 - (a) Flue connections are properly sealed;
 - (b) Sump pumps are not connected to the sanitary sewer;
 - (c) All electrical outlets, switches and panel boxes are properly covered;
 - (d) Relief valves from boilers and water heaters are properly piped;
 - (e) All plumbing fixtures are in working order;
 - (f) Pools are properly fenced;
 - (g) There are rails on all interior stairs of more than ~~two~~ four risers;
 - (h) Exterior rails must be properly secured;
 - (i) Property must not be in violation of the Property Maintenance Code;
 - (j) The property is being used for the use for which it is zoned; and
 - (k) The submission of a certified property survey that shows the current uses and structures on the property.
- (2) No certificate ~~permitting~~ of occupancy shall be issued unless there is full and complete compliance with all of the foregoing, unless otherwise specified, in writing, by the Construction Official or his agent.
- (3) At the discretion of the Construction Official, the submission of a certified property survey pursuant to Subsection D(1)(k) above may be waived under the following circumstances:
 - (a) The applicant submits a certified survey of the property;

- (b) Any changes to the property that have been approved and performed since the date of said survey have received the appropriate permits and/or approvals from the Borough of Montvale;
- (c) Such changes are shown on the survey with appropriate specificity and detail to allow the Construction Official to confirm the accuracy thereof;
- (d) Such changes are minor in nature and do not create any reasonable doubts concerning the property's compliance with zoning, property maintenance, or other applicable codes, standards, rules, or regulations.

(4) The inspection for a certificate of continued occupancy shall be in accordance with Section B(2)(a), above.

(5) The inspection for a new tenant/ resale certificate shall be in accordance with Section B(3)(a), above, and shall also require submission of and/or compliance with the items in Section D(1)(i), (j) and (k), above.

E. Violations and penalties.

- (1) Any person, persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity who in any manner knowingly fails to fully comply with the terms and covenants of this chapter shall be subject to the penalties provided herein.
- (2) Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, Article I, General Penalty.

F. Issuance of certificate, fee.

A certificate permitting occupancy shall be issued solely by the construction official without the necessity of approval by the governing body of the Borough of Montvale. All fees paid in connection with a certificate shall be in accordance with the schedule set forth at § 170-11 of this Code.

Section 4. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 7. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law

A motion Introduced for second reading **Ordinance No. 2022-1525** by Councilmember Cudequest; seconded by Councilmember Koelling; Clerk read by title only.

Motion to open meeting to public by Councilmember Roche; seconded by Councilmember Cudequest - all ayes

NO PUBLIC COMMENT

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes

Motion to adopt on Second and Final Reading in The Bergen Record by Councilmember Cudequest; seconded by Councilmember Roche; Clerk read by title only. - All ayes on a roll call vote

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes

No public comment

Motion to close meeting to the public by Councilmember Roche; seconded by Councilmember Cudequest - all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

September 27, 2022

A motion to accept minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes

CLOSED/EXECUTIVE MINUTES:

September 27, 2022

A motion to accept closed minutes by Councilmember Cudequest; seconded by Councilmember Roche - all ayes

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

155-2022 Resolution Authorizing Emergency Purchase Pursuant To NJSA 40a:11-Rapid Pump & Meter, Co, Inc. / Three (3) Pump Stations

WHEREAS, an emergency had arisen with respect to not having back up pumps for the sanitary sewer pumps located at Huff Terrace, Valley View and Middletown Road pump stations; and

WHEREAS, a proposal was provided by the PVDPW Superintendent and confirmed by the Borough Engineer;

WHEREAS, an emergency purchase pursuant to NJSA 40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate action.

WHEREAS, there is the need for emergency pumps at these stations as stated by the PVDPW Superintendent and Borough Engineer. Therefore, such contract may be awarded without competitive bidding as permitted by NJSA 40A:11-6; and

WHEREAS, the Superintendent of Public Works has received pricing from Rapid Pump and Meter Service, Inc. and the recommendation this award in the amount of \$47,730.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale's Mayor & Council approved said emergency purchase at their Regular Meeting held on September 27, 2022

156-2022 Tax Court Settlement / Block 1102; Lot 3 / Summit Property 1, LLC / 100 Summit Ave

WHEREAS, the Mayor and Council of the Borough of Montvale have been advised of the proposed settlement of a property Tax Appeal filed by Summit Property 1, LLC NJ (hereinafter the "Tax Appeal"), under Docket Numbers 005942-2021 and 004790-2022; and,

WHEREAS, the aforesaid Tax Appeal involves an office building located at 100 Summit Avenue, and is otherwise referred to as Block 1102 Lot 3 on the tax assessment map of the Borough (hereinafter the "subject property"); and,

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by the Borough's Appraiser and Tax Assessor; and,

WHEREAS, the proposed settlement terms are set forth in the attached Schedule "A" included herein; and,

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A"; and,

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Borough Administrator, Tax Appeal Attorney and/or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

SCHEDULE "A"

- a. The terms of the aforesaid tax appeal settlement shall consist as follows:

2021 Appeal: \$9,250,000

2022 Appeal: \$9,250,000

- b. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall apply to the terms of this settlement.

157-2022 Resolution Authorizing The Borough Administrator To Sign The NJDEP WQM-003 Statement Of Consent Form For The SHG Montvale MB IV, LLC Application

WHEREAS, the New Jersey Department of Environmental Protection requires Consent of the Governing Body and Certification by the Wastewater Conveyance System Owner;

WHEREAS, the Borough of Montvale owns and operates their wastewater conveyance system that SHG MONTVALE MB IV, LLC is proposing to connect to for sanitary sewerage disposal;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-006 Form and has determined that the Borough's sanitary sewer system has adequate capacity;

WHEREAS, the Borough Engineer has reviewed the NJDEP WQM-003 Form and recommends that the Borough's Mayor and Council authorize the Borough Administrator to execute the WQM-003 Form Section A-1 and Section A-3B;

WHEREAS, the Borough's Mayor and Council has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale, formally approves the Borough Administrator to execute the above stated Application.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to execute the NJDEP WQM-003 Form on behalf of the Borough of Montvale for **SHG MONTVALE MB IV, LLC** Application.

158-2022 Award Professional Service Contract / Environmental Services / 127 Summit Ave / Colliers Engineering & Design

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services for providing Environmental Services, related to the possible acquisition of the approximately 28.4-acre property, located north of Summit Avenue on Block 1002, Lot 7; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated September 27, 2022 to provide the engineering services for services which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

NOW, THEREFORE BE IT RESOLVED by the Borough of Montvale as follows:

- 1) That the proposal for the scope of engineering services is attached to this resolution which is made part of this resolution shall be awarded to Colliers Engineering & Design.
- 2) That the following be provided: Phase I Environmental Site Assessment (Phase I ESA)
- 3) The cost not to exceed shall be \$10,000.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be published an official newspaper of the Borough of Montvale, be on file, available for public inspection, in the office of the Municipal Clerk, Municipal Complex, 12 DePiero Drive, Montvale, NJ 07645.

Introduced by: Councilmember Cudequest; seconded by Councilmember Roche - a roll call was taken - all ayes

159-2022 Resolution to Rescind Liquor License Renewal – ERA Hospitality LLC / Inactive License

WHEREAS, Resolution #108-2022 which was adopted at the June 28, 2022 Regular Meeting of the Borough of Montvale renewed liquor license #0236-33-004-009; and

WHEREAS, the liquor license holder must apply for a new Ruling from the State of New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Borough was not previously aware the 12-39 Ruling was required for this liquor license renewal term until recently being notified by the New Jersey Division of Alcoholic Beverage Control;

NOW THEREFORE BE IT RESOLVED, the Borough of Montvale hereby rescinds the portion of Resolution #108-2022 which specifically pertains to that renewal of liquor license #0236-33-004-009 ERA Hospitality, LLC only.

Introduced by: Councilmember Cudequest; seconded by Councilmember Roche - a roll call was taken - all ayes

160- Resolution Approving Renewal of Liquor License for the 2022-2023 License Term / ERA Hospitality LLC / Inactive License / Special Ruling Granted

WHEREAS, renewal applications have been filed or submitted through POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal Fees have been paid and a Tax Clearance Certificate has been received for the following licensee; and,

WHEREAS, the submitted license renewal application received a special ruling pursuant to N.J.S.A. 33: 1-12.39 dated September 20, 2022 and was approved by the State Alcohol Beverage Control Director, a copy of which is annexed hereto; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Borough Ordinances; and **NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Montvale State of New Jersey, that the re-renewal of the following Liquor License for the 2022-2023 license terms be and are hereby authorized:

License Number	Licensee	Establishment
0236-33-004-009	ERA Hospitality, LLC	Inactive

Introduced by: Councilmember Koelling; seconded by Councilmember Roche- a roll call was taken - all ayes

BILLS: Municipal Clerk read the Bill Report.

Motion to pay bills by Councilmember Roche; seconded by Councilmember Russo-Vogelsang - all ayes

REPORT OF REVENUE: Municipal Clerk read the Report of Revenue - September

COMMITTEE REPORTS:**Council President Russo-Vogelsang****Seniors**

Social and Halloween Party will be held Oct 20th; a few upcoming trips include, an overnight trip to Pennsylvania for Amish Holiday Tour on November 9-10; Mt. Airy Casino trip Dec 6th; 1 hour CPR and AED course given by the BOH Oct 29; Broadway trip to see Moulin Rouge Oct 26 and Thanksgiving luncheon Nov 17th

Construction

The District received its temporary CCO and residents have been moving in; Montvale Apartments started inspections; Toll Bros started another building;

Councilmember Koelling**Police**

Monthly report included in original minutes;

Planning Board

Toll Bros all 4 buildings are under contract; Master plan review committee is under way;

Veterans committee

Next meeting will be November 1st

Councilmember Arendacs

DPW

Shredding Day was a success; maintaining the fields and lawns; preparing their equipment for the upcoming snow season and ordering salt; purchased replacement pumps for the Pump stations

Engineering

Kinderkamack Road milling and paving should start soon; handicapped ramps and curbs are completed

Councilmember Cudequest

Library

Creating a pamphlet to give to new families; held their first book sale since the pandemic, patrons were generous with their donations – total \$1500; Don and Janet Londahl-Smidt have been members of the library for over 40 years, there is a painting in the lobby by Caroline McDonald honoring them; a dedication in their names will be held on Oct 20.

TV Access

Oct 23 will be talking with members of the Chamber of Commerce about the street fair; On Oct 26 will be talking with members of the American Legion

Board of Health

Held flu clinic 39 seniors came in; several of the board members were discussing possibly discontinuing this service for next year; November 19th 10-1130am at the DPW garage

Councilmember Roche

Chamber of Commerce

Street Fair is scheduled for October 23rd;

Recreation/Special Events

Halloween trunk-or-treat will be held on Memorial Drive, Oct 29th from 3-5pm with rain date Oct 30; always looking for volunteers. Memorial Drive tennis and basketball courts have been re-stripped.

Mayor

Fire Department report

29 fires, 3 drills, 1 chief call and 5 extra credits and 1 meeting

Kinderkamack Road is scheduled to be milled and paved at night starting on October 28; have been meeting with the COAH committee, 2025 is coming quickly; will have about 10% of housing will be affordable units. Currently, 16 towns have joined to encourage Governor Murphy to re-instate COAH

ENGINEER'S REPORT:

Andrew Hipolit

Report/Update

No Report

ATTORNEY REPORT:

Joe Voytus, Esq.

Report/Update

No Report

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Councilmember Cudequest mentioned the Police Chief will be retiring in a few weeks, what is the next step for his replacement? Mayor Ghassali stated he will form a committee to interview the candidates, once the Mayor decides he will have the governing body members interview the candidates.

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Motion to open meeting to the public by Councilmember Koelling; seconded by Councilmember Roche - all ayes

Bob Hanrahan

Regarding COAH, to mention about the 20% highly restricted area

Lillian Crowley, 26 Ladik Place

Mentioned about her flooding issue and asked for an update

Motion to close meeting to the public by Councilmember Cudequest; seconded by Councilmember Koelling - all ayes

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

A motion to adjourn by Councilmember Cudequest; seconded by Councilmember Roche – all ayes

The Next Regular Public Meeting of the Mayor & Council to be held at 7:30pm on October 25, 2022.

Meeting was adjourned at 8:48pm

Respectfully submitted, Fran Scordo, Deputy Municipal Clerk

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 161-2022**

RE: Authorize The Cancellation of 4th Quarter Property Taxes and All Future Taxes Due To Granting Of Totally Disabled Veteran Status By Department Of Veterans Affairs

WHEREAS, this resolution authorizes the municipality to cancel property taxes for the 4th quarter of 2022 and for all future taxes due to the granting of totally disabled veteran status by the Department of Veterans Affairs per the Department's letter attached to the original resolution, for John Jeen Ahn. Mr. Ahn is the owner of 20 North Ave., Block 402, Lot 17.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, County of Bergen, New Jersey, that the Tax Collector be and is hereby authorized to cancel 4th quarter property taxes and all future taxes as per the above.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted:

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor

RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, N.J., that the following bills, having been referred to the Borough Council and found correct, be and the same hereby be paid:

<u>FUND</u>	<u>AMOUNT</u>	<u>NOTES</u>
Current	\$255,967.93	Bill List Wire 10/25/2022
	<u>314,204.12</u>	Wires/Manual Checks
Current TOTAL	570,172.05	
Capital	410.50	Bill List Wire 10/25/2022
Escrow	10,667.00	Bill List Wire 10/25/2022
Unemployment Trust	249.00	Bill List Wire 10/25/2022
Housing Trust	1,376.82	Bill List Wire 10/25/2022
Open Space Trust	1,033.50	Bill List Wire 10/25/2022
Recreation Trust	6,856.92	Bill List Wire 10/25/2022

*This resolution was adopted by the Mayor and Council of Montvale
at a meeting held on 10/25/22*

Introduced by: _____

Approved: 10/25/22

Seconded by: _____

Michael Ghassali, Mayor

ATTEST:

Maureen Iarossi-Alwan, Municipal Clerk

MANUAL/VOID CHECKS - WIRES
October 25, 2022

<u>Check #</u>	<u>PO #</u>	<u>Date</u>	<u>Transaction/Vendor</u>	<u>Amount</u>
WIRE		10/11/22	Payroll Account-Current	199,388.26
WIRE		10/11/22	Salary Deduction Account	114,765.86
WIRE		10/11/22	FSA Account	50.00
Total				<u><u>314,204.12</u></u>

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P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Include Non-Budgeted: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00027	BT SPECIALTIES								
		22-01229	09/30/22	PD LOCKER NAME PLATES	Open	64.00	0.00		
00036	DIPALMA, FRANK								
		22-01272	10/11/22	WEATHERBELL SUBSCRIPTION	Open	270.00	0.00		
00043	NORTH JERSEY MEDIA GROUP								
		22-01317	10/18/22	395748 NORTH JERSEY MEDIA ADV.	Open	388.50	0.00		
00071	SUEZ WATER NEW JERSEY								
		22-01282	10/13/22	10003825412222 SUEZ - OCTOBER	Open	15,402.88	0.00		
00097	CABLEVISION								
		22-01234	10/03/22	07873-240495-01-5 CABLEVISION	Open	116.23	0.00		
		22-01235	10/03/22	07873-218840-01-0 CABLEVISION	Open	21.06	0.00		
		22-01298	10/14/22	07873-109890-01-7 CABLEVISION	Open	161.68	0.00		
		22-01299	10/14/22	07873-204461-01-0 CABLEVISION	Open	135.48	0.00		
						434.45			
00098	SERVPRO OF PARAMUS								
		22-01153	09/19/22	POLICE ROOM CLEANUP FLOOD	Open	2,526.30	0.00		
00102	MGL PRINTING SOLUTIONS								
		22-01151	09/19/22	TAX DEPARTMENT SUPPLIES	Open	895.00	0.00		
00108	MONTVALE HARDWARE & SUPPLY								
		22-01154	09/19/22	WATER KEY FOR SPIGOT	Open	22.92	0.00		
00116	VERIZON								
		22-01232	09/30/22	651-285-414-0001-73 VERIZON	Open	296.96	0.00		
00118	NJ STATE LEAGUE OF								
		22-01210	09/27/22	2 EMPLOYMENT ADS	Open	370.00	0.00		
00125	NORTHWEST BERGEN REGIONAL								
		22-00121	01/18/22	2022 HEALTH SERVICES	Open	5,159.00	0.00		B
00146	PSE&G CO.								
		22-01287	10/13/22	PSE&G CO. - SEPTEMBER 2022	Open	310.90	0.00		
00258	ROCKLAND ELECTRIC COMPANY								
		22-01285	10/13/22	ROCKLAND ELECTRIC - SEPETMBER	Open	12,374.18	0.00		
		22-01303	10/14/22	ROCKLAND ELECTRIC - SEPTEMBER	Open	116.88	0.00		
						12,491.06			
00284	DAVID ZUIDEMA, INC.								
		22-01022	08/19/22	DITP PORTABLE TOILETS	Open	875.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00375	BOROUGH OF PARK RIDGE								
		22-01124	09/13/22	TRI-BORO FUEL - JULY 2022	Open	8,390.37	0.00		
		22-01165	09/20/22	TRI-BORO FUEL - AUGUST 2022	Open	<u>7,383.22</u>	0.00		
						15,773.59			
00476	MAGLOCLEN, INC								
		22-01197	09/27/22	MEMBERSHIP USER FEE	Open	400.00	0.00		
00615	MONTVALE FIRE DEPT								
		22-01110	09/08/22	FIRE BANQUET & CONVENTION 2022	Open	19,000.00	0.00		
00705	APPROVED SURGICAL SUPPLIES INC								
		22-01204	09/27/22	PD OXYGEN REFILLS	Open	51.00	0.00		
00731	COLLIER'S ENGINEERING & DESIGN								
		20-01285	10/19/20	TIER A STORMWATER REPORTING	Open	181.00	0.00		B
		22-00117	01/18/22	2022 ENGINEER RETAINER	Open	450.00	0.00		B
		22-00118	01/18/22	2022 GENERAL ENGINEERING	Open	5,847.00	0.00		B
		22-00123	01/18/22	BOROUGH PLANNER	Open	354.00	0.00		B
		22-00140	01/19/22	AFFORDABLE HOUSING 2021 SVCS	Open	575.25	0.00		B
		22-00465	04/07/22	MEMORIAL BASEBALL/SOFTBALL FLD	Open	633.50	0.00		B
		22-00871	07/14/22	LATRENTA PARKING LOT IMPROV.	Open	410.50	0.00		B
		22-00872	07/14/22	NJDOT 2021 VARIOUS STREETS	Open	838.75	0.00		B
		22-01185	09/22/22	MUNICIPAL ENGINEERING REVIEW	Open	724.00	0.00		
		22-01226	09/30/22	MUNICIPAL ENGINEERING REVIEW	Open	<u>1,038.75</u>	0.00		
						11,052.75			
00773	AXON ENTERPRISE, INC.								
		21-01449	11/15/21	PD TASER CARTRIDGES	Open	2,280.00	0.00		
00801	WESTPHAL WASTE SERVICES, INC.								
		22-00185	01/27/22	2022 GARBAGE COLLECTION	Open	69,250.00	0.00		B
00891	RIDGEMONT PIZZA & RESTAURANT								
		22-01106	09/07/22	SEC MEETING DINNER	Open	57.55	0.00		
		22-01257	10/05/22	SEC MEETING DINNER	Open	<u>66.95</u>	0.00		
						124.50			
00896	GIAMMARINO, MICHAEL								
		22-00056	01/06/22	2022 INTERPRETING SERVICES	Open	150.00	0.00		B
00999	AMAZON.COM SERVICES, INC.								
		22-00840	07/07/22	OCTAGON HOUSE FURNITURE	Open	1,282.06	0.00		
01008	FITNESS RESOURCE OF NY LLC								
		22-00999	08/15/22	SERVICE OF EXERCISE EQUIPMENT	Open	225.00	0.00		
		22-01026	08/23/22	SERVICE OF EXERCISE EQUIPMENT	Open	<u>250.00</u>	0.00		
						475.00			
01055	VALLEY HEALTH MEDICAL GROUP								
		22-01121	09/13/22	PD CROSSING GUARD EXAMS	Open	270.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01101	THE ROGERS GROUP LLC	22-00918	07/25/22	ANNUAL ACCREDITATION	Open	14,621.84	0.00		
01155	APPLIED CONCEPTS INC.	22-01118	09/13/22	PD NEW 367 TAHOE ANTENNA	Open	174.00	0.00		
01156	DIRECT ENERGY BUSINESS	22-01286	10/13/22	DIRECT ENERGY - SEPTEMBER 2022	Open	300.64	0.00		
01208	DOOR SERVICES CORPORATION	22-00210	02/01/22	HANDICAPPED DOOR REPAIR	Open	336.00	0.00		
01211	TURN OUT UNIFORMS & CO.	22-01178	09/21/22	NEW RECRUIT SUPPLIES	Open	229.94	0.00		
01227	PIAZZA & ASSOCIATES, INC.	22-00116	01/18/22	2022 AFFORDABLE HOUSING SVCS.	Open	550.77	0.00		B
01241	ALMAGASA CORP.	22-01316	10/18/22	SITE PLAN REVIEW DINNER	Open	114.31	0.00		
01278	MCMERNEY & ASSOCIATES, INC.	22-01162	09/20/22	APPRAISAL FEE-ADDED ASSESSMENT	Open	6,000.00	0.00		
01368	ROBALINO, ERIC	22-01261	10/06/22	REIMB TRAINING CLASS	Open	400.00	0.00		
01464	SURENIAN, EDWARDS & NOLAN	22-00119	01/18/22	2022 SPECIAL COUNSEL	Open	1,411.75	0.00		B
01542	WICKERSHEIM & SONS	22-01174	09/21/22	EMERGENCY WATER LEAKS/BACKUP	Open	1,856.35	0.00		
01552	WISS & BOUREGY, P.C.	22-00834	07/05/22	POLICE PERSONNEL MATTER	Open	266.00	0.00		
01624	CMRS-FP	22-01278	10/12/22	TAX DEPARTMENT POSTAGE	Open	98.70	0.00		
01642	SKOLOFF & WOLFE, PC.	22-01277	10/12/22	TAX COURT SETTLEMENT	Open	24,275.00	0.00		
01757	COMPLETE SECURITY SYSTEMS INC.	22-01117	09/13/22	MONITORING 8/23/22-8/31/23	Open	553.50	0.00		
		22-01167	09/20/22	FIRE ALARM 10/2022-9/2023	Open	2,550.00	0.00		
		22-01206	09/27/22	DPW GARAGE ALARM TROUBLE	Open	500.00	0.00		
						3,603.50			
01760	UNITED PARCEL SERVICE	22-01302	10/14/22	F047X6 UPS - SEPTEMBER 2022	Open	82.60	0.00		
01767	VERIZON	22-01315	10/18/22	156-951-896-0001-85 VERIZON	Open	115.33	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01805	FIRST STUDENT INC	22-00216	02/02/22	2022 ADVENTURE CAMP BUSSING	Open	6,834.00	0.00		
01828	CGP&H, LLC	21-01055	08/13/21	PROFESSIONAL HOUSING REHAB SVC	Open	250.80	0.00		B
01852	REDICARE LLC	22-01233	10/03/22	FIRST AID - 60 DAY SERVICE	Open	85.00	0.00		
		22-01260	10/06/22	PD FIRST AID SUPPLIES	Open	89.68	0.00		
						174.68			
01882	PRESTIGE BUSINESS PRODUCTS, INC	22-01179	09/21/22	TONERS TAX COLLECTOR	Open	810.00	0.00		
01890	GREATAMERICA FINANCIAL SRVCS	22-00652	05/19/22	POSTAGE MACHINE LEASE	Open	346.80	0.00		B
01892	AC DAUGHTRY INC.	22-01152	09/19/22	SERVICE CALL ALARM NOT WORKING	Open	621.47	0.00		
		22-01205	09/27/22	DOOR ACCESS NOT WORKING	Open	237.99	0.00		
						859.46			
01927	OFFICE CONCEPTS GROUP, INC.	22-01191	09/23/22	FILE CABINET	Open	543.50	0.00		
01949	AT&T MOBILITY	22-01259	10/06/22	PD PATROL PHONES	Open	775.16	0.00		
01950	STATE TOXICOLOGY LABORATORY	22-00934	07/28/22	PD RANDOM DRUG TESTING	Open	45.00	0.00		
02056	LERCH, VINCI & HIGGINS, LLP	22-00307	02/28/22	ANNUAL AUDIT - 2021	Open	32,500.00	0.00		B
		22-01211	09/27/22	PROFESSIONAL SERVICES RENDERED	Open	3,400.00	0.00		
						35,900.00			
02141	REGAN, ROBERT T., ESQ.	22-01107	09/07/22	ESCROW PAYMENTS	Open	3,639.25	0.00		
		22-01193	09/26/22	ESCROW PAYMENTS	Open	5,265.00	0.00		
						8,904.25			
02426	VERIZON WIRELESS	22-01288	10/13/22	242317487-00001 VERIZON -SEPT.	Open	885.46	0.00		
02679	EDMUNDS GOVTECH	22-01207	09/27/22	PRINTING OF FINAL TAX BILLS	Open	895.84	0.00		
02757	TYCO ANIMAL CONTROL SERVICES	22-00462	04/07/22	2022 GEESE CONTROL SERVICES	Open	400.00	0.00		B
03060	TRI-STATE TECHNICAL SERVICES	22-00013	01/03/22	2022 ADOBE SOFTWARE / DROPBOX	Open	39.38	0.00		B
		22-00014	01/03/22	2022 MICROSOFT WEB EXCHANGE	Open	444.00	0.00		B

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Vendor #	Name						
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03060		TRI-STATE TECHNICAL SERVICES	Continued				
22-00114	01/18/22	2022 COMPUTER MAINTENANCE	Open	772.92	0.00		B
22-01231	09/30/22	ZOOM MONTHLY COURT - OCTOBER	Open	17.05	0.00		
				1,273.35			
03131		CERTIFIED SPEEDOMETER SERVICE					
22-01201	09/27/22	PD VEHICLE CALIBRATIONS	Open	396.00	0.00		
03215		UNUM LIFE INSURANCE					
22-00021	01/03/22	2022 LIFE INSURANCE	Open	490.05	0.00		B
03623		BORGATA HOTEL CASINO AND SPA					
22-01280	10/12/22	BORGATA NJLOM OCCUPANY FEE	Open	52.00	0.00		
03659		STATE OF NJ DEPT OF LABOR & WF					
22-01220	09/29/22	UNEMPLOYMENT BENEFITS-YE 2021	Open	249.00	0.00		
03727		STAPLES INC					
22-00951	08/04/22	OFFICE SUPPLIES	Open	680.49	0.00		
22-01128	09/13/22	OFFICE SUPPLIES	Open	586.49	0.00		
22-01141	09/15/22	OFFICE SUPPLIES	Open	269.59	0.00		
22-01215	09/28/22	OFFICE SUPPLIES	Open	402.73	0.00		
				1,939.30			
03730		NJ DEPT OF ENVIRON PROTECTION					
22-01284	10/13/22	UST TANK REGISTRATION	Open	50.00	0.00		
03879		HILLS VALLEY COALITION					
22-01079	08/31/22	REIMB CONTRIBUTION 2022	Open	434.42	0.00		
<hr/>							
Total Purchase Orders:		93	Total P.O. Line Items:	0	Total List Amount:	276,561.67	Total Void Amount: 0.00

Totals by Year-Fund						
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total
						Total
CURRENT FUND 2022	1-01	38,749.75	0.00	38,749.75	0.00	0.00
CURRENT FUND 2022	2-01	217,218.18	0.00	217,218.18	0.00	0.00
CAPITAL FUND	C-04	410.50	0.00	410.50	0.00	0.00
BOA ESCROW ACCOUN	E-08	10,667.00	0.00	10,667.00	0.00	0.00
OTHER TRUST ACCOU	T-03	1,376.82	0.00	1,376.82	0.00	0.00
UNEMPLOYMENT TRUS	T-13	249.00	0.00	249.00	0.00	0.00
OPEN SPACE TRUST	T-14	1,033.50	0.00	1,033.50	0.00	0.00
RECREATION TRUST	T-19	6,856.92	0.00	6,856.92	0.00	0.00
Year Total:		9,516.24	0.00	9,516.24	0.00	0.00
Total of All Funds:		276,561.67	0.00	276,561.67	0.00	0.00

MONTVALE PLANNING BOARD

John DePinto, Chairman
R. Lorraine Hutter, Land Use Administrator

MEMORANDUM

TO: Mayor Ghassali and Council
Maureen Iarossi-Alwan, Administrator

FROM: R. Lorraine Hutter, Land Use Administrator

RE: Use Permit Ordinance dated October 4, 2022

DATE: October 5, 2022

Please be advised the Planning Board at last night's meeting reviewed the above Ordinance. This Ordinance will help the Use Permit procedure and help protect the Board/Borough from any challenge to our current procedures. The Planning Board recommends the adoption of this ordinance in its entirety.

\rlh

BOROUGH OF MONTVALE

ORDINANCE NO.

*Unfinished
Business
10/25*

AN ORDINANCE OF THE BOROUGH OF MONTVALE, COUNTY OF BERGEN, STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 326 ENTITLED "SITE PLANS," AND AMENDING AND SUPPLEMENTING CHAPTER 400, "ZONING," OF THE BOROUGH CODE TO TRANSFER THE BOROUGH'S SITE PLAN REQUIREMENTS FROM CHAPTER 400 TO A NEW CHAPTER 326, AND ESTABLISHING CERTAIN PROVISIONS RELATED TO OBTAINING WAIVERS FROM THE BOROUGH'S SITE PLAN REQUIREMENTS

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. Chapter 400, "Zoning," Article XII, "Site Plan Review," is hereby removed from Chapter 400 and transferred to a new Chapter 326, "Site Plans." The sections of said Article shall be renumbered and the Article shall read as follows:

CHAPTER 326

Site Plans

Article I

Site Plan Review

§ 326-1	Authority and scope.
§ 326-2	Title.
§ 326-3	Purposes.
§ 326-4	Definitions.
§ 326-5	Review required.
§ 326-6	Fees and deposits.
§ 326-7	Application procedure.
§ 326-8	Presubmission conference.
§ 326-9	Formal site development plan filing procedure.
§ 326-10	Final site plan submission requirements.
§ 326-11	Approval or disapproval of site development plan.
§ 326-12	Performance standards.
§ 326-13	Public hearings.
§ 326-14	Effect of approval.
§ 326-15	Exceptions; simultaneous review and approval.
§ 326-16	Off-tract improvements.
§ 326-17	Expiration of site plan approval.
§ 326-18	Enforcement.
§ 326-19	Interpretation.
§ 326-20	Repealer.

- § 326-21 **When effective.**
- § 326-22 **(Reserved)**
- § 326-23 **(Reserved)**

Article II
Site Plan Waiver Requirements and Use Permits

- § 326-24 **Purpose and intent.**
- § 326-25 **Standards applicable to site plan waivers.**
- § 326-26 **Application procedures for use permits.**
- § 326-27 **Standards for granting use permits.**
- § 326-28 **Violations and penalties.**
- § 326-29 **(Reserved)**
- § 326-30 **(Reserved)**

Article I - Site Plan Review

§ 326-1 Authority and scope.

This Article consists of an ordinance establishing rules, regulations and standards governing site plan review within the Borough of Montvale, pursuant to the authority as set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and amendments and supplements thereto, setting forth the procedure to be followed in applying and administering these rules, regulations and standards, and providing penalties for the violations thereof.

§ 326-2 Title.

This Article of this Chapter shall be known as "Site Plan Review."

§ 326-3 Purposes.

The regulations set forth in this Article are deemed necessary to achieve the following purposes:

- A. Promote orderly development. To protect the character and to maintain the stability of all areas within the community and to promote the orderly and beneficial development of such areas.
- B. Promulgate rules and regulations. To provide rules, regulations and procedures where

applicable and to the extent the same have not been otherwise promulgated by ordinance in the Borough of Montvale which will guide the appropriate development of the lands within the Borough in a manner which will promote the public health, safety, morals and general welfare.

- C. To protect against hazards and danger. To secure safety from fire, flood, panic and other natural and man-made disasters.
- D. Design standards. To encourage the design and location of streets which will promote the free flow of traffic while discouraging the location of such facilities and routes which will result in congestion.
- E. Creative development techniques. To promote a desirable physical environment through creative development techniques, design and arrangement.
- F. Open spaces. To promote the conservation of open space and to protect the natural resources and to prevent overcrowding through improper land use.

§ 326-4 Definitions.

- A. Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "used" includes the words "arranged, designed, constructed, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional; and the word "may" is permissive.

ADMINISTRATIVE OFFICER

The Secretary to the Montvale Planning Board for any application before the Planning Board.

APPLICANT

A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

APPROVING AUTHORITY

The Planning Board of the Borough of Montvale.

BOARD

The Planning Board of the Borough of Montvale.

BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development or designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

CONVENTIONAL

Development other than planned development.

COUNTY MASTER PLAN

A composite of the Master Plan for the physical development of Bergen County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Bergen County Planning Board pursuant to N.J.S.A. 40:27-2 and 40:27-4, as the same may be amended or supplemented.

DAYS

The number of calendar days for the purposes of this Chapter.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill and any use or change in the use of any building or other structure or use or extension of use of land, for which permission may be required.

DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, including the control of runoff, to minimize erosion and sedimentation during and after

construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

ENVIRONMENTAL COMMISSION

A municipal advisory body created pursuant to P.L. 1968, c. 245 (N.J.S.A. 40:56A-1 et seq.).

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FINAL APPROVAL

The official action of the approving authority taken on a preliminary approved site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

GOVERNING BODY

The Mayor and Borough Council of the Borough of Montvale.

HISTORIC SITE

Any building, structure, area or property that is significant in the history, architecture, archeology or culture of this state, its communities or the nation and which has been so designated.

INTERESTED PARTY

For the purpose of this chapter, any person, whether residing within or without the Borough of Montvale, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter, or whose rights to use, acquire or enjoy property under this chapter, or under any other law of this state or the United States have been denied, violated or infringed by an action or failure to act under this Code.

LAND

Includes improvements and fixtures on, above or below the ground surface.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY

Security, other than cash, which may be accepted by the Borough of Montvale for the maintenance of any improvements required by this chapter.

MASTER PLAN

A composite of one or more written or graphic proposals for the development of the Borough of Montvale, adopted by the Montvale Planning Board.

MINOR APPLICATION

Any application, other than for subdivision, where the aggregate estimated cost of improvements to the land, inclusive of site improvements, where necessary, do not exceed \$500.

OFFICIAL COUNTY MAP

The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of Bergen County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP

A map and accompanying ordinance adopted by the governing body of the Borough of Montvale pursuant to law. Such a map shall be deemed to be conclusive with respect to the location and width of streets and public drainageways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

OFF SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is part) which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OFF TRACT

Not located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

ON SITE

Located on the lot in question.

ON TRACT

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for use and enjoyment by owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PERFECTED APPLICATION

For the purpose of this Chapter, one that is submitted in a proper and complete form, including all required application forms and maps, all required fees are submitted and filed

- A. Any person, persons, partnership, firm, corporation, holding company, foreign corporation, limited liability company or any other entity who in any manner knowingly fails to fully comply with the terms and covenants of this chapter shall be subject to the penalties provided herein.
- B. Any person(s) who violates any of the provisions of this chapter shall, upon conviction, be punishable as provided in Chapter 1, Article I, General Penalty.

§ 326-29 (Reserved)

§ 326-30 (Reserved)

Section 2. Chapter 400, "Zoning," Section 52 is hereby renamed "Performance standards," and shall read as follows:

§400-52 Performance standards.

The requirements set forth in §326-12, "Performance standards," shall be deemed to be zoning requirements, and compliance with said standards shall be required by all applicants for zoning approval. Any deviation from the requirements of this Section and §326-12 shall be deemed to require a zoning variance.

Section 3. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 4. Effective date.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

Section 5. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Upon approval of this Ordinance upon First Reading by the Mayor and Council of the Borough of Montvale, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to N.J.S.A. 40:55D-26.

MICHAEL GHASSALI, Mayor

ATTEST:

MAUREEN IAROSSE-ALWAN, CMC
Borough Clerk

INTRODUCED:

ADOPTED:

APPROVED:

within the appropriate time schedules, and proof is included that no taxes or assessments for local improvements are due or delinquent on the property for which approval is sought.

PERSON

Any individual, firm, association, partnership, corporation, syndicate, copartnership, trust or other legal entity.

PLAN

The provisions for development of a planned development, including a plat of the subdivision; all covenants relating to use, location and bulk of buildings and other structures; intensity of use or density of development; public or private streets, driveways and parking facilities; open space and public facilities.

PLANNED RESIDENTIAL DEVELOPMENT

An area with a specified minimum of five acres of contiguous land to be developed as a single entity according to a plan containing one or more residential clusters and which may include public or quasi-public uses, all for the primary benefit of the residential development.

PLAT

A map or maps of a subdivision or site plan pursuant to the provisions of this article and/or Chapter 350, Subdivision of Land, of the Borough of Montvale.

SIGHT TRIANGLE

As defined in § 400-8 of this Code.

SITE PLAN

A development plan of one or more lots on which is shown:

1. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways.
 2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices.
 3. Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter.
- B. All other terms used in this Chapter not herein defined shall be accorded the meaning afforded them by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

§ 326-5 Review required.

- A. Except as hereinafter expressly provided, no building or land shall be used, and no building or structure shall be built, altered, erected or used, and no other land shall be cleared or graded, nor any building permit or certificate of occupancy issued as a matter of right, but such shall be granted on application and approval of the Planning Board of the Borough of Montvale, as may in the case be the appropriate authority, in accordance with the provisions as embodied in this Article and Article XIII of Chapter 400. Development plan approval shall be required for all cases except those specifically excepted from the provisions of this chapter.
- B. Notwithstanding the provisions of this article, no site plan approval shall be required prior to the issuance of a building permit or certificate of occupancy for any new building or addition to an existing building if such building or addition is used or is intended to be used solely as a single-family detached dwelling or as an accessory thereto.
- C. Applications satisfying the conditions set forth in Article II of this Chapter shall be exempt, to the extent set forth therein, of the provisions of this Chapter.

§ 326-6 Fees and deposits.

- A. Unless otherwise provided by law or elsewhere by ordinance, the nonrefundable fees and the deposits in connection with site development applications or the rendering of any services by the Planning Board shall be as set forth in this section and on Schedule A, adopted by ordinance and on file with the Land Use Administrator. In the event of a conflict between the fees in this section and those set forth on Schedule A, the fees on Schedule A shall apply.
- B. Escrow fees.
 - (1) In addition to the required application fees established herein, the applicant shall be required to establish one or more escrow accounts with the Borough of Montvale to cover the reasonable costs of professional review and consultation.
 - (2) Said escrow fees shall be required for preliminary site plan approval, final site plan approval and any site plan requiring conditional use approval, any site plan requiring subdivision approval and any site plan requiring a variance of any type.
- C. Such additional deposits to be paid to the Borough Treasurer at the time of submission of a development plan are as follows:

- (1) Three thousand dollars for the 40,000 square feet of land or part thereof included within the site development.
- (2) An additional sum computed at the rate of \$150 per 1,000 square feet of land or part thereof in excess of 40,000 square feet of land.
- (3) A sum computed at the rate of \$60 per 100 square feet for the first 30,000 square feet of building floor area or part thereof included within the site development plan.
- (4) An additional sum computed at the rate of \$30 per 100 square feet for each square foot of building floor area in excess of 30,000 square feet.

D. Use of deposits; reimbursement of professionals and consultants.

- (1) Funds on deposit shall be expended to reimburse the municipality and approving authority in accordance with P.L. 1995, c. 54, for monies paid to professionals and consultants engaged by them on account of the reasonable cost to their services rendered with reference to the application for which the deposit has been established. Upon receipt of sufficient funds for the escrow account, the administrative officer shall notify the professionals and other consultants of the approving authority that all appropriate examinations and reviews may be undertaken.
- (2) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be by a voucher from the professional, including municipal employees who may render such services. This voucher shall identify the personnel performing the service and, for each date the services performed, the hours spent to one-fourth-hour increment, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Treasurer of the Borough of Montvale on a monthly basis. The professional shall send an informational copy of all vouchers or statements sent to the Treasurer of the Borough simultaneously to the applicant. The Treasurer of the Borough shall prepare and send to the applicant a statement which shall include an accounting of funds, listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.
- (3) If an escrow account or deposit contains insufficient funds to enable the Borough to perform required application reviews or improvement inspections, the Treasurer of the Borough shall provide the applicant with a notice of the

insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall forthwith post a deposit to the account in an amount to be agreed by the Borough or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

- (4) Upon final approval of and receipt of the signed site plan, the applicant shall send written notice by certified mail to the Treasurer of the Borough, the approving authority and to the relevant Borough professional that the application is completed. After receipt of such notice, the professional shall render a final bill to the Treasurer of the Borough within 30 days and shall send a copy simultaneously to the applicant. The Treasurer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest in accordance with P.L. 1985, c. 315, shall be refunded to the developer along with the final accounting.
- E. The applicant shall, prior to the signing of an approved plan, deposit with the Borough of Montvale for the purpose of reimbursing the municipality or approving authority for disbursements made to its professionals subsequent to the approval on account of the application a sum equal to 3% of the estimated cost of the site improvements, which sum shall not be less than \$200.
- F. As a further condition to approval and the issuance of a building permit, the applicant shall be required to enter into a developer's agreement with the Borough of Montvale, as drawn by the Planning Board Attorney, detailing the conditions of approval and the nature and scope of the work to be performed by the applicant.
- G. The installation of all improvements shall be required prior to the issuance of a certificate of occupancy; provided, however, that in lieu of the completion of certain improvements deemed nonessential to the use and occupancy of the premises, the Mayor and Council may, for good cause shown, in their discretion, permit upon proof by the applicant that no substantial hazard or detriment will be created, the posting of performance guaranties in appropriate form with sufficient securities in a form satisfactory to the governing body and in an amount sufficient to ensure completion of the said improvements.
- H. The application fee for approval by the approving authority of a certificate of occupancy or change in use, ownership or occupancy for an existing building where no improvements or variances are to be required shall be \$225, payable to the Borough of Montvale. In addition, where the approving authority has granted an approval upon which conditions are imposed, the approving authority may, in its discretion, require the applicant to deposit with the Borough of Montvale, for the purpose of reimbursing the municipality or approving

authority for disbursements made to its professionals for the preparation of a memorializing resolution of approval and/or required inspections related thereto, a sum equal to 3% of the estimated cost of meeting the conditions, which sum shall not be less than \$200. All other procedures and requirements of this § 326-6 relating to escrow deposits shall also apply in the case of any deposit required by this subsection.

I. Appeals.

- (1) An applicant shall notify, in writing, the governing body, with copies to the Treasurer of the Borough, the approving authority and the professional whenever the applicant disputes the charges made by a professional for service rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements or other charges made pursuant to the provisions of P.L. 1975, c. 291. The governing body, or its designee, shall within a reasonable time period attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals any charge to an escrow account or a deposit by the Borough professional or consultant pursuant to the procedures set forth in P.L. 1995, c. 54.
- (2) During the pendency of any appeal, the Borough or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course. Further, the Borough or approving authority shall not withhold, delay or deny reviews, inspections, signing of site plans, the reduction or the release of performance or maintenance guaranties, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Treasurer of the Borough may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Treasurer shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount of the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of the municipality, the professional or consultant shall reimburse the municipality in the amount of any such disallowed charge.

§ 326-7 Application procedure.

An applicant for sketch plat approval shall submit the following along with the application:

- A. The applicant shall submit five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD,

or thumb drive) of a completed application form, and all other required documentation in this section.

- B. In addition to the filing of an application and copies thereof as provided herein, the applicant shall file a sketch plat for the purpose of preliminary review or proceed immediately to file a formal site development plan as is provided for in § 326-109 of this chapter. In the event that the applicant elects to file a sketch plat with the approving authority, copies thereof shall be provided simultaneously with the application to those persons and agencies provided in § 326-109 of this chapter.
- C. The sketch plat, if submitted, shall be sufficiently detailed and understandable so as to show the subject property and surrounding land and shall set forth at least the following information:
- (1) Lot and block designation(s) of the property and the development name.
 - (2) Property address.
 - (3) Name and address of the applicant and record owner of the property, if other than the applicant.
 - (4) Name, phone number, email address, license number, and seal of the person, firm, or organization preparing the sketch plat and for whom the sketch plat has been prepared.
 - (5) Name, phone number, email address, license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
 - (6) Date prepared with all subsequent revisions noted on the sketch plat and dated.
 - (7) North arrow, written and graphic scales, and reference meridian.
 - (8) A key map showing the location of the property with reference to the surrounding area showing the lot and block number(s) of the property, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of not less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.
 - (9) The location, names, and existing widths of the adjacent streets, rights-of-way, and curblines.
 - (10) Names of all owners of record of adjacent properties within 200 feet of the tract, together with the lot and block numbers of the properties as shown on the most

recent municipal tax records.

- (11) The existing zoning of the property and on all adjacent lands.
- (12) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk regulations shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).
- (13) List of all variances and waivers/exceptions being sought by the applicant.
- (14) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, wooded areas, marshes, and any other significant environmentally sensitive or natural terrain features as may be determined by survey.
- (15) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow within 200 feet of the tract.
- (16) Location of uses and outline of structures including walls, fences, culverts, underground storage tanks, bridges, and roadways presently located on the subject property and on properties immediately adjacent thereto for a distance of 200 feet.
- (17) Location of existing wells and septic systems on site and within 100 feet of the property.
- (18) Location of paved areas, sidewalks, vehicular accesses, and circulation elements between the property and public streets.
- (19) Location of any existing sewers, culverts, or water lines.
- (20) The location of existing and proposed buildings with front, rear, and side yard setback dimensions and structural improvements.
- (21) Location and area of proposed sidewalks, driveways, loading areas, off-street parking, or other paved areas.
- (22) Any proposed grading, including the locations of proposed streets.
- (23) Any proposed utilities, including stormwater drainage.
- (24) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines. The reference datum shall be the

United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.

- (25) Location of all lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the property. A table shall accompany the map that provides existing and proposed steep slopes on the property in both square feet and percent.
- (26) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified and provided in tabular format with size (dbh) and species.
- (27) Landscape plan illustrating the location illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- (28) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil moving permit and information in accordance with § 329-4 shall be submitted.

D. A written description of the proposed use and off- and on-tract improvements.

§ 326-8 Presubmission conference.

- A. Prior to the approval of the sketch plat, the applicant shall, if required, meet in person with the approving authority or its designated representatives. The purpose of the conference shall be to discuss the proposed uses of the development, to review the application and sketch plat submitted therewith and to determine what additional information should be supplied to conform with the detailed filing of the site development plan provided for under § 326-7 of this chapter.
- B. The presubmission conference required herein shall be held within 30 days of the receipt of the application and sketch plat by the designated officials. The approving authority or its duly-designated representatives may within 10 days of the date of the presubmission conference submit their reports, comments and recommendations to the applicant.

§ 326-9 Formal site development plan filing procedure.

The applicant shall, simultaneously with the filing of the application herein provided for or at any time thereafter, proceed to file a detailed site plan and with respect thereto shall proceed as follows:

A. Preliminary site plan and copies.

- (1) File five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF copy (via email, CD, or thumb drive) of the site development plan and related information with the Secretary of the Board.
- (2) Said plan and copies shall be submitted to the Board Secretary at least 21 days prior to the Board meeting at which approval is requested and shall be accompanied by the fees and deposits in the amounts herein set forth in this chapter referable to the site development plan review.

B. An application shall be considered perfected and filed when the application forms have been duly submitted, the fees and deposits paid, and the Borough Engineer and the Borough Planner shall have certified that the site development plan has been drawn in accordance with § 326-9 of this Chapter and is otherwise in a form required for the formal action of the Board.

C. The officials to whom a copy of the site development plan has been submitted shall forward to the Board, not later than eight days prior to the second regular meeting of the Board succeeding the perfection of the application, their recommendations and comments, if any, in writing, concerning the site development plan. The Board shall consider the recommendations thus advanced but shall proceed in the absence of such recommendations.

D. The applicant shall cause the site development plan to be prepared by a licensed professional engineer or land surveyor. Site development plan elements shall include those listed below, which are appropriate to the proposed development or use:

- (1) Scale and dimensions. The map shall be at a scale of 10, 20, 30 or 40 feet to the inch, except that if the property has a maximum dimension in excess of 900 feet, a scale of 50 feet to the inch may be used.
- (2) Description data.
 - (a) Lot and block designation(s) of the property and title of development.
 - (b) Address of the property.

- (c) Name and address of the record owner of the property and applicant, if other than the record property owner.
- (d) Name, address, license number, and seal of the person, firm, or organization preparing the plan and for whom the plan has been prepared.
- (e) Date prepared with all subsequent revisions shall be noted on the plan.
- (f) North arrow, written and graphic scales, and reference meridian.
- (g) Sufficient description or information to designate precisely the boundaries of the property bearings which begin to the nearest 10 seconds or closer. The error of closure shall not exceed one in 10,000.
- (h) The location, names, and existing widths of adjacent streets, rights-of-way, and curblines.
- (i) A key map showing the location of the property with reference to the surrounding area, showing the lot and block number(s) of the property, address, lot and block numbers of adjacent properties, rights-of-way, zoning districts, and municipal boundaries. The map shall be drawn at a scale of no less than one inch equals 1,000 feet and include a North arrow and written and graphic scales.
- (j) An aerial photograph with the property boundaries to evaluate effects upon existing vegetation and surrounding land uses.
- (k) Names of all owners of record of adjacent properties within 200 feet of the site, together with the lot and block numbers of the subject premises as shown on the most recent municipal tax records.
- (l) Location, width, and purpose of all existing and proposed easements, including, but not limited to, utility, drainage, sight, and access easements, within or joining the property.
- (m) Tabulation of all applicable zone district bulk requirements with a comparison to the existing and proposed conditions. All calculations to determine bulk requirements shall be provided (i.e., lot coverage, building height, floor area ratio, etc.).
- (n) List of all variances and waivers/exceptions being sought by the applicant.
- (o) Approval block for signatures of the Board Chairperson, Board Secretary,

Borough Engineer, and any outside agencies required to approve the proposed development.

(3) Natural features.

- (a) Existing and proposed contours of the land, with a contour interval of not less than two feet. Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid bold lines. The reference datum shall be the United States Coast and Geodetic Survey data or other datum acceptable to the Borough Engineer.
- (b) Location and width of any existing watercourse, existing rock outcrops, depressions, lakes and ponds, marshes, wooded areas, and any other environmentally sensitive or natural terrain features as may be determined by survey.
- (c) Location of any wetland areas and wetland transition areas as determined by a letter of interpretation from the NJDEP or a qualified wetlands expert and a metes and bounds survey of said wetlands. Said areas shall be appropriately flagged in the field.
- (d) Location of any flood hazard areas with delineation and elevation of the 100-year-flood boundary or stormwater overflow, including a metes and bounds description of the same, within 200 feet of the site.
- (e) All lands with a topographic slope of 15% or greater in its natural state shall be separately designated on the topographic map of the site. The applicant shall provide a breakdown of existing and proposed steep slopes on the property in square feet and percent.
- (f) All trees exhibiting a diameter of four inches or more measured 12 inches above the ground shall be specifically located, and all trees proposed to be removed shall be specified. The applicant shall present a table of existing and proposed trees to be removed by size (dbh).

(4) Existing structures and utilities.

- (a) Location of all uses, buildings, and structures drawn to scale on and within 100 feet of the subject property. All structures, including walls, fences, culverts, bridges, roadways, and underground storage tanks, that are existing and proposed to remain shall be indicated with spot elevations. Structures to be removed shall be indicated by dashed lines.

- (b) Location of all paved areas, sidewalks, vehicular access, and circulation elements, including rights-of-way, traffic control, directional signage, and railroads, between the site and public streets.
 - (c) Location, dimensions, grades, and flow direction of existing streets, culverts, and water lines, as well as other underground and aboveground utilities, including sanitary sewer, water, stormwater management, telephone, electric, gas, and cable TV, within and adjacent to the property.
 - (d) Any existing buildings, structures, and walls that are of historic importance or are of important archaeological, cultural, scenic or architectural significance on the subject property or within 200 feet of the property shall be so noted on the plans.
 - (e) Location and details of existing signage, lighting, landscaping, and solid waste areas to remain.
 - (f) The location of existing wells and septic systems on site and within 100 feet of the site.
- (5) Proposed development.
- (a) The applicant shall set forth in detail the exact use to be made of the property and the buildings and structures thereon, including, but not limited to, required yard and setback areas, lot coverage and building coverage calculations, and building height in feet and stories.
 - (b) The location of the proposed buildings or structural improvements with spot elevations at each corner of the proposed buildings. Floor space of all buildings, number of employees, housing units or other capacity measurements, where required, shall be so indicated.
 - (c) Survey of the site signed and sealed by a licensed professional land surveyor.
 - (d) Location, size, and details of all proposed signs.
 - (e) Lighting plans, including location, type, wattage, height, direction, power, time of use, construction details, isolux lines, and location of security lighting, if proposed.
 - (f) Preliminary architecture plans prepared by a licensed professional architect which include floor plans and building elevations illustrating floor area and room divisions, building height, facade design, and roof-mounted equipment,

if applicable.

- (g) Landscape plan illustrating the location of all proposed plantings, including street trees, mulched areas, and lawn areas, along with a table detailing the proposed planting botanical name, common name, size, quantity, and planting details.
- (h) Details of traffic control devices with direction of traffic flow.
- (i) Location of fire lanes and other parking restrictions.
- (j) Soil erosion and sediment control plan. If more than 500 cubic yards of soil is proposed to be moved (cut plus fill), an application for a major soil movement permit and information in accordance with § 329-4 shall be submitted.
- (k) The location, arrangement, and construction of proposed sidewalks, driveways, loading areas, off-street parking areas, bicycle parking areas, solid waste and recycling disposal areas, fences, retaining walls, outdoor storage areas, or other paved areas. Improvements such as roads, parking areas, sidewalks, and other design details shall be indicated, including dimensions of parking stalls, access aisles, curb radii and traffic flows, and handicapped persons access facilities shall be provided.
- (l) Any proposed grading shall be illustrated at an interval of not less than two feet.
- (m) Location and design of proposed utility structures and lines, on-tract stormwater drainage with manholes, inlets, pipe sizes, grades, inverts, and flow directions, telephone, electric, water, gas, sanitary sewer, and cable TV lines.
- (n) Location of proposed area(s) to be used for snow equipment staging and/or the temporary storage of snow.
- (o) Location of any contemplated public improvements on or adjoining the property as indicated by the Borough Engineer.
- (p) If the site development plan is to be developed in phases, a phasing plan shall be submitted.
- (q) A garbage and refuse recycling plan providing for an area reserved for the separation of garbage and recyclable materials, inclusive of provisions for the storage of recyclable and nonrecyclable waste and areas reserved for the

pickup of such.

- (r) Appropriate details to the Borough, county, and state standards, including sidewalks, curbs, paving, street signs, drainage, etc.
- E. An outline of any existing and proposed deed restrictions or covenants.
- F. Name, phone number, email address, and license number of the architect, landscape architect, planner, and traffic engineer, if applicable.
- G. Environmental impact statement in accordance with Article XIII of Chapter 400.
- H. Copies of completed and submitted applications to the Bergen County Planning Board and Bergen County Soil Conservation District, if applicable.
- I. Stormwater management plan, if applicable, three copies.

§ 326-10 Final site plan submission requirements.

The applicant shall, simultaneously with the filing of the application herein provided for or at any time thereafter, proceed to file a detailed site plan and with respect thereto shall proceed as follows:

- A. In addition to the requirements provided in § 326-9, five large copies (at least 24 inches by 36 inches but no more than 30 inches by 42 inches), 17 half-size copies, and one digital PDF (via email, CD, or thumb drive) of the following information shall be submitted for all final major site plans:
 - (1) The preliminary site plan resolution of approval along with all proposed additions, modifications, or departures from said approval, if applicable.
 - (2) Final construction documents, including:
 - (a) Final site plans prepared by a licensed professional engineer for development, including construction details and engineering data.
 - (b) Final architecture plans prepared by a licensed professional architect, detailing the proposed floor plans and building elevations and the size, materials, colors, and textures of the building façade.
 - (c) Final landscape plans substantially conforming to the preliminary landscape plan and detailing specifications for all landscape improvements, planting

details, and irrigation and maintenance details.

- (3) Certification and will-serve letters from water, sewer, electric, and gas utilities.
- (4) Four copies of all deeds with metes and bounds description for proposed easement dedications including dedication of additional road right-of-way.

§ 326-11 Approval or disapproval of site development plan.

- A. The approving authority shall take action under this section within the time periods provided in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- B. The action of the approving authority shall be in such form and on such notice as is required by Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.
- C. Final plans and working drawings should not be submitted until after approval of the site development plan.
- D. Amendments to the site development plan as approved shall be acted upon in the same manner as the original plan.

§ 326-12 Performance standards.

As a prerequisite to the issuance of any building permit or certificate of occupancy for any use in the nonresidential districts, the applicant shall be required to demonstrate the following:

- A. Fire and explosion hazards. All activities of operation involving fire or explosive hazards shall be carried on in conformity with the provisions of Chapter 203, Fire Prevention, of the Code of the Borough of Montvale.
- B. Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use.
- C. Liquid or solid waste. No use or occupancy shall discharge industrial waste of any kind into any reservoir, pond, pool or other body of open water. The discharge of untreated industrial waste into a stream shall be approved by the Borough and New Jersey State Health Departments. Effluence from a treatment plant shall at all times comply with the standards

and requirements of Chapter 457, Sanitation and Health, of the Code of the Borough of Montvale.

- D. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which use is conducted.
- E. Glare. There shall be no direct, sky-reflected glare exceeding 0.5 footcandle measured at the property line of the lot occupied by such use. This regulation shall not apply to light used at the entrance and exits of service drives leading to a parking lot.
- F. No uses shall be permitted which are violative of any of the provisions of this chapter of the Borough of Montvale, including but not limited to the ordinances of the Board of Health. There shall be no vehicular access to any use established in nonresidential districts from any street that primarily serves residential neighborhoods.
- G. Signs. All signs shall comply with Article IX, Signs, of Chapter 400 of the Code of the Borough of Montvale.
- H. All buildings shall have adequate fire protection facilities and equipment and shall comply in all respects with Chapter 203, Fire Prevention.
- I. Landscaping.
 - (1) Effective landscaping, including the placement of trees, shrubs and grass, shall be provided in order to ensure the harmonious development of the area wherein a site is located and the attractiveness of the subject premises and to protect the natural resources of the premises. Landscaping plans shall be submitted to the Planning Board, which may be referred to the Environmental Commission for its recommendations. The above-mentioned landscaping plan shall include screening as is otherwise required by this chapter.
 - (2) It is the intention of this section to provide appropriate screening to conserve the existing natural resources and to develop a natural environment in harmony with the surrounding areas.
- J. Waste disposal.
 - (1) Each site shall provide an area or areas internal of any principal building to be constructed, or external, provided that the same is concealed from parking areas, other properties and semipublic areas on the site with suitable vegetative material.
 - (2) Said areas shall be located at a place where they may be easily accessed without interfering with the general traffic circulation plan intended for the property.

- (3) Areas so reserved shall include provision for the separation of the nonrecyclable and recyclable waste, as well as provision for the storage of each classification of material.
 - (4) The area reserved for the storage of such materials shall not be less than that as recommended or directed by the New Jersey Board of Public Utilities or the Bergen County Utility Authority; provided, however, that in the absence of any such recommendation or regulation, the areas reserved shall be sufficient in size to accommodate the storage of separated waste materials based on the maximum building occupancy, as limited by the Uniform Construction Code adopted by the Borough of Montvale, times 1.5 pounds of waste per day.
- K. Tree removal. No trees four inches or larger in diameter measured 12 inches above the ground shall be removed from the property unless the same shall interfere with the construction of buildings or utilities. In addition, no tree which, if removed, will impair growth and development of remaining trees on the property of the applicant or adjacent properties and/or cause erosion of soil, impair existing drainage, lessen property values in the neighborhood or impair the aesthetic values of the area shall be removed.
- L. Any deviation from the standards set forth in this Section shall require a variance pursuant to §400-52.

§ 326-13 Public hearings.

- A. A public hearing shall be required for the following applications:
- (1) Site plan approval.
 - (2) For any site plan requiring conditional use approval or the grant of any variance.
 - (3) For any site plan requiring subdivision (major) approval.
 - (4) For any site plan requiring planned residential development approval.
 - (5) For any site plan requiring a variance of any type.
- B. Availability of maps and documents prior to hearing. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of hearing at normal business hours, in the office of the administrative officer. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

- C. Rules regulating the conduct of hearings. The procedure applicable to public hearings required pursuant to this section shall be in accordance with Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-14 Effect of approval.

The approval granted by the approving authority as above provided for shall be considered preliminary, which approval shall be deemed final upon application of the developer to the approving authority and upon the latter's final determination that all of the conditions of the preliminary approval, including the site development work, have been completed and are so certified by the Borough Engineer to the approving authority and the governing body.

§ 326-15 Exceptions; simultaneous review and approval.

- A. The approving authority, when acting upon an application for preliminary site plan approval, shall have the power to grant such exceptions from the requirements of the design standards required for site plan approval as may be reasonable and within the general purpose and intent of the provisions of site plan review, if the literal enforcement of one or more provisions of this chapter is impracticable or will effect undue hardship because of peculiar conditions pertaining to the land in question.
- B. The approving authority shall have the power to review and approve or deny under appropriate circumstances and within the power vested in it by the acts of the legislature, applications for subdivisions, site plans and variances and conditional uses where permitted simultaneously.

§ 326-16 Off-tract improvements.

As a condition for approval of a site plan, the approving authority may require the developer to pay his pro rata share of the costs of providing reasonable street improvements and water, sewerage and drainage facilities and easements therefor, located outside the property limits of the development but necessitated or required by the construction of improvements within the development; provided, however, that this section shall in no way obligate the municipality to install such improvements in order to facilitate development, nor shall the approving authority approve a development requiring capital expenditure without appropriate action by the governing body.

§ 326-17 Expiration of site plan approval.

All site plan approval shall remain in effect for the period stated in Chapter 65, Land Use Procedures, of the Code of the Borough of Montvale, as the same may be from time to time amended and supplemented.

§ 326-18 Enforcement.

This article shall be administered and enforced by the Building Code officials, police or Fire Marshal and approving authority.

§ 326-19 Interpretation.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare.

§ 326-20 Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.

§ 326-21 When effective.

This article shall take effect immediately after final passage and publication as provided by law.

§ 326-22 (Reserved)

§ 326-23 (Reserved)

Article II

Site Plan Waiver Requirements and Use Permits

- § 326-24 **Purpose and intent.**
- § 326-25 **Standards applicable to site plan waivers.**
- § 326-26 **Application procedures for use permits.**
- § 326-27 **Standards for granting use permits.**
- § 326-28 **Violations and penalties.**
- § 326-29 **(Reserved)**
- § 326-30 **(Reserved)**

Article II

Site Plan Waiver Requirements and Use Permits

§ 326-24 Purpose and intent.

The intent of this Article is to reduce the cost and time usually associated with the development review process for certain applications, to encourage economic growth, and to streamline smaller commercial development applications. The procedures applicable to this Article are intended primarily to address changes in occupancy to existing structures that have already obtained Site Plan approval from the Planning Board.

§ 326-25 Standards applicable to site plan waivers.

- A. Consistent with §326-5 of this Chapter; applications that satisfy the following criteria shall be eligible for a Use Permit and shall be exempt from the requirement of obtaining full Site Plan approval:
 - (1) Change in use of existing space within a building
 - (2) Existing Site Plan approval for the property
 - (3) No changes to building footprint
 - (4) No external construction work
 - (5) Sufficient parking provided on existing Site Plan for the additional parking requirement per Borough Code for the newly-occupied space
- B. Applications for Use Permits shall be submitted to the Planning Board in accordance with §326-26 of this Chapter.

§ 326-26 Application procedures for use permits.

An applicant for Use Permit approval shall comply with the following:

- A. The applicant shall submit three (3) completed applications with original signatures on each, along with seventeen (17) copies of the completed and signed application.
- B. The applicant shall submit the applicable filing fee adopted by the Planning Board.
- C. After submission, the applicant will be advised by the Board as to when the matter will be heard by the Planning Board. All applicants are required to appear at the scheduled meeting. If the applicant is a corporation and/or LLC, appearance and representation by a licensed New Jersey attorney is required.
- D. Taxes must be current on the property in question.
- E. A list of employee zip codes (or the name of the town of employee origin) must be included with the application.

§ 326-27 Standards for Granting Use Permits.

- A. The Planning Board shall issue a Use Permit if the applicant demonstrates to the satisfaction of the Board that:
 - (1) The proposed use is permitted within the zoning district in which the property is located
 - (2) No external construction is required
 - (3) There is no change proposed to the building footprint
 - (4) The proposed use would not create a need for additional parking spaces beyond what is already provided for on an approved site plan
 - (5) The proposed use would not have a detrimental impact on the health, safety or welfare of the public
 - (6) The proposed use would not impair the purpose and intent of the Zoning Ordinance
- B. After receiving a Use Permit from the Planning Board, the applicant shall be required to obtain a CCO and/or a Resale/ New Tenant Certificate, as appropriate, from the Building Department in accordance with §170-14 of the Borough Code.

§ 326-28 Violations and penalties.

BOROUGH OF MONTVALE
Bergen County, New Jersey
Health Benefits Plans Comparison

	Aetna PPO Core		PPO 20/36 Alt Plan #1		EPO 15/25 Alt Plan #2 (In Network Only)	EPO 20/36 Alt Plan #3 (In Network Only)		HDHP 3000 Alt Plan #4		
Medical Dental & RX										
Single	\$987	\$11,844	\$1,125	\$13,500	\$1,022	\$12,264	\$955	\$11,460	\$697	\$8,364
Parent/Child	\$1,676	\$20,112	\$1,912	\$22,944	\$1,736	\$20,832	\$1,620	\$19,440	\$1,191	\$14,292
Husband/Wife	\$2,307	\$27,684	\$2,636	\$31,632	\$2,390	\$28,680	\$2,229	\$26,748	\$1,631	\$19,572
Family	\$2,828	\$33,936	\$3,237	\$38,844	\$2,937	\$35,244	\$2,743	\$32,916	\$2,018	\$24,216
	% Diff to PPO Core		14.46%		3.86%		-3.01%		-28.84%	
Benefits	IN (Contracted Rates)	OOB (UCR)	IN (Contracted Rates)	OOB (UCR)	IN (Contracted Rates)		IN (Contracted Rates)		IN (Contracted Rates)	OOB (UCR)
Network	Aetna Open Access POS II		Aetna Health Network Option		Aetna Health Network Only		Aetna Health Network Only		Aetna Open Access POS II	
Deductible	\$1,000/\$2,000	\$2,500/\$5,000	N/A	\$500/\$1,000	N/A		\$500/\$1,000		\$3,000/\$6,000	
Maximum Out of Pocket	\$2,000/\$4,000	\$5,000/\$10,000	\$2,000/\$5,000	\$4,000/\$8,000	\$4,000/\$8,000		\$4,000/\$8,000		\$4,500/\$9,000	
Lifetime Maximum	Unlimited		Unlimited		Unlimited		Unlimited		Unlimited	
Co-Insurance	80%	60%	100%	70%	100%		90%		100%	70%
Preventive Adult Care-office visits, pap smear, mammo, prostate screening, gyno exam, x-rays, lab blood tests, hearing tests and immunizations/flu shots	100%	60% after deductible	100%	70% after deductible	100%		100%		100%-deductible waived	70% after deductible
Preventive Child Care-office visits, physical exams, lab tests, hearing tests, and immunizations through age 12	100%	60% after deductible	100%	70% after deductible	100%		100%		100%-deductible waived	70% after deductible
Hospital In Patient Pre-Cert Required	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max		100% after \$50 copay/day, \$250 max/admission, \$500 annual max		100% after deductible	70% after deductible
Plan Design	Aetna PPO Core		PPO 20/36 Alt Plan #1		EPO 15/25 Alt Plan #2 (In Network Only)		EPO 20/36 Alt Plan #3 (In Network Only)		HDHP 3000 Alt Plan #4	

Benefits	IN (Contracted Rates)	00N (UCR)	IN (Contracted Rates)	00N (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates)	00N (UCR)
Emergency Room	\$100 copay, then 80%	\$100 copay, then 80%	\$150 copay		\$100 copay	\$100 copay	100% after deductible	100% after deductible
PCP Office Visits/Specialist	\$25/\$40	60% after deductible	\$20/\$35	70% after deductible	\$15/\$25	\$20/\$35	100% after deductible	70% after deductible
Chiropractic	\$40 copay-30 visits per year combined in and out of network	60% after deductible	\$35 copay-30 visits combined in and out	70% after deductible-30 visits combined in and out	\$25 copay-30 visits per calendar year	\$35 copay- 30 visits per calendar year	100% after deductible	70% after deductible
Acupuncture	Not Covered	Not Covered	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Hospice	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100%	90%	100% after deductible	70% after deductible
Therapies (Speech, Physical, Occupational)	\$40 copay-60 visits per year	60% after deductible-60 visits	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Skilled Nursing Facility	\$200 copay per day, \$1,000 max per admission-120 day max combined in and out	60% after deductible-120 day max combined in and out of network	100%-120 day max combined in and out	70% after deductible-120 day max combined in and out	100%-120 day max	\$100 copay/day, \$500 max/admission	100% after deductible	70% after deductible
Durable Medical Equipment	80% after deductible	60% after deductible	100%	70% after deductible	100%	90%	100% after deductible	70% after deductible
X-Rays and Lab Tests	\$40 copay	60% after deductible	100%-Labs \$35 copay X-rays	70% after deductible	100% Labs- \$25 copay- X-rays	100%-Labs \$35 copay-X-rays	100% after deductible	70% after deductible
Prenatal Care	\$40 copay-1st visit only	60% after deductible	\$35 copay- 1st visit only	70% after deductible	\$25 copay- 1st visit only	\$35 copay- 1st visit only	100% after deductible	70% after deductible
Allergy Testing and Treatment	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Plan Design	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 15/25 Alt Plan #2 (In-Network Only)	EPO 20/35 Alt Plan #3 (In Network Only)	HDHP 3000 Alt Plan #4	
Benefits	IN (Contracted Rates)	00N (UCR)	IN (Contracted Rates)	00N (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates)	00N (UCR)

Home Health Care Pre-cert required	80% after deductible-120 visits max	60% after deductible-120 visits max	100%	70% after deductible	100%	90%	100% after deductible	70% after deductible
Surgery Benefits	100%	60% after deductible	100%	70% after deductible	100%	100%	100% after deductible	70% after deductible
In Patient Mental Health	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after deductible	70% after deductible
Outpatient Mental Health	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
In Patient Substance Abuse	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after deductible	70% after deductible
Outpatient Substance Abuse	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Ambulance	80% after deductible	60% after deductible	100%	100% after deductible	100%	100%	100% after deductible	100% after deductible
Infertility Benefits Diagnostic	\$40 copay	Not Covered	\$35 copay	Not Covered	\$500 deductible, then 100%	100% after deductible	100% after deductible	Not Covered
Eye Exam	100%-One Routine Eye Exam every 24 months	Not Covered	100%-One Routine Eye Exam every 12 months	Not Covered	100%-One Routine Eye Exam every 12 months	100%-One Routine Eye Exam every 12 months	100%-One Routine Eye Exam every 12 months	Not Covered
Eyeglass Reimbursement	Not Covered		\$200 every 24 months		\$200 every 24 months	\$200 every 24 months	Not Covered	
Plan Design	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 15/25 Alt Plan #2 (In Network Only)	EPO 20/35 Alt Plan #3 (In Network Only)	HDHP 3000 Alt Plan #4	
Benefits	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates)	OON (UCR)

Prescription Drugs	Retail: \$15/\$35/\$50-30 Day Supply Mail Order: \$30/\$70/\$100-90 Day Supply	Retail: \$0/\$30/\$60-30 day supply Mail Order: 2x copay-90 day supply	Retail: \$0/\$25/\$50-30 day supply Mail Order: 2x copay-90 day supply	Retail: \$0/\$25/\$50-30 day supply Mail Order: 2x copay-90 day supply	100% after deductible-Generic 90% after deductible-Pref Brand 80% after deductible-Non-Preferred Brand
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Dental Benefits All Plans	Delta Dental 70/30
Deductible	\$25/\$75
Calendar Year Maximum Per Person	\$1,000
Preventive & Diagnostic	70% after deductible
Remaining Basic	70% after deductible
Crowns & Inlays	50% after deductible
Prosthodontics	50% after deductible
Implants	Not Covered
Orthodontia-Children Only	50%-\$1,000 Lifetime Max

BOROUGH OF MONTVALE
Bergen County, New Jersey
Health Benefits Plans Comparison

<div> <div>2023 Rates- Medical Dental & RX</div> <div>Single</div> <div>Parent/Child</div> <div>Husband/Wife</div> <div>Family</div> </div>	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 15/25 Alt Plan #2 (In Network Only)		EPO 20/35 Alt Plan #3 (In Network Only)		HDHP 3000 Alt Plan #4	
	\$1,037	\$12,444	\$1,186	\$14,232	\$1,076	\$12,912	\$1,004	\$12,048	\$746	\$8,952
	\$1,760	\$21,120	\$2,016	\$24,192	\$1,829	\$21,948	\$1,705	\$20,460	\$1,274	\$15,288
	\$2,424	\$29,088	\$2,781	\$33,372	\$2,520	\$30,240	\$2,347	\$28,164	\$1,747	\$20,964
	\$2,969	\$35,628	\$3,412	\$40,944	\$3,093	\$37,116	\$2,885	\$34,620	\$2,158	\$25,896
	% Diff to PPO Core		14.92%		4.18%		-2.83%		-27.32%	
Benefits	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)		IN (Contracted Rates)		IN (Contracted Rates)	OON (UCR)
Network	Aetna Open Access POS II		Aetna Health Network Option		Aetna Health Network Only		Aetna Health Network Only		Aetna Open Access POS II	
Deductible	\$1,000/\$2,000	\$2,500/\$5,000	N/A	\$500/\$1,000	N/A		\$500/\$1,000		\$3,000/\$6,000	
Maximum Out of Pocket	\$2,000/\$4,000	\$5,000/\$10,000	\$2,000/\$5,000	\$4,000/\$8,000	\$4,000/\$8,000		\$4,000/\$8,000		\$4,500/\$9,000	
Lifetime Maximum	Unlimited		Unlimited		Unlimited		Unlimited		Unlimited	
Co-Insurance	80%	60%	100%	70%	100%		90%		100%	70%
Preventive Adult Care-office visits, pap smear, mammo, prostate screening, gyno exam, x-rays, lab blood tests, hearing tests and immunizations/flu shots	100%	60% after deductible	100%	70% after deductible	100%		100%		100%-deductible waived	70% after deductible
Preventive Child Care-office visits, physical exams, lab tests, hearing tests, and immunizations through age 12	100%	60% after deductible	100%	70% after deductible	100%		100%		100%-deductible waived	70% after deductible
Hospital In Patient Pre-Cert Required	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max		100% after \$50 copay/day, \$250 max/admission, \$500 annual max		100% after deductible	70% after deductible

Plan Design	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 16/26 Alt Plan #2 (In Network Only)	EPO 20/35 Alt Plan #3 (In Network Only)	HDHP 3000 Alt Plan #4	
Benefits	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates)	OON (UCR)
Emergency Room	\$100 copay, then 80%	\$100 copay, then 80%	\$150 copay		\$100 copay	\$100 copay	100% after deductible	100% after deductible
PCP Office Visits/Specialist	\$25/\$40	60% after deductible	\$20/\$35	70% after deductible	\$15/\$25	\$20/\$35	100% after deductible	70% after deductible
Chiropractic	\$40 copay-30 visits per year combined in and out of network	60% after deductible	\$35 copay-30 visits combined in and out	70% after deductible-30 visits combined in and out	\$25 copay-30 visits per calendar year	\$35 copay- 30 visits per calendar year	100% after deductible	70% after deductible
Acupuncture	Not Covered	Not Covered	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Hospice	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100%	90%	100% after deductible	70% after deductible
Therapies (Speech, Physical, Occupational)	\$40 copay-60 visits per year	60% after deductible-60 visits	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Skilled Nursing Facility	\$200 copay per day, \$1,000 max per admission-120 day max combined in and out	60% after deductible-120 day max combined in and out of network	100%-120 day max combined in and out	70% after deductible-120 day max combined in and out	100%-120 day max	\$100 copay/day, \$500 max/admission	100% after deductible	70% after deductible
Durable Medical Equipment	80% after deductible	60% after deductible	100%	70% after deductible	100%	90%	100% after deductible	70% after deductible
X-Rays and Lab Tests	\$40 copay	60% after deductible	100%-Labs \$35 copay X-rays	70% after deductible	100% Labs- \$25 copay- X-rays	100%-Labs \$35 copay-X-rays	100% after deductible	70% after deductible
Prenatal Care	\$40 copay-1st visit only	60% after deductible	\$35 copay- 1st visit only	70% after deductible	\$25 copay- 1st visit only	\$35 copay- 1st visit only	100% after deductible	70% after deductible
Allergy Testing and Treatment	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible

Plan Design	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 15/25 Alt Plan #2 (In Network Only)	EPO 20/35 Alt Plan #3 (In Network Only)	HDHP 3000 Alt Plan #4	
Benefits	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates)	OON (UCR)
Home Health Care Pre-cert required	80% after deductible-120 visits max	60% after deductible-120 visits max	100%	70% after deductible	100%	90%	100% after deductible	70% after deductible
Surgery Benefits	100%	60% after deductible	100%	70% after deductible	100%	100%	100% after deductible	70% after deductible
In Patient Mental Health	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after deductible	70% after deductible
Outpatient Mental Health	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
In Patient Substance Abuse	\$200 copay per day, \$1,000 max per admission	60% after deductible	100% after \$100 copay/day, \$500 max/admission, \$1,000 annual max	70% after deductible	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after \$50 copay/day, \$250 max/admission, \$500 annual max	100% after deductible	70% after deductible
Outpatient Substance Abuse	\$40 copay	60% after deductible	\$35 copay	70% after deductible	\$25 copay	\$35 copay	100% after deductible	70% after deductible
Ambulance	80% after deductible	60% after deductible	100%	100% after deductible	100%	100%	100% after deductible	100% after deductible
Infertility Benefits Diagnostic	\$40 copay	Not Covered	\$35 copay	Not Covered	\$500 deductible, then 100%	100% after deductible	100% after deductible	Not Covered
Eye Exam	100%-One Routine Eye Exam every 24 months	Not Covered	100%-One Routine Eye Exam every 12 months	Not Covered	100%-One Routine Eye Exam every 12 months	100%-One Routine Eye Exam every 12 months	100%-One Routine Eye Exam every 12 months	Not Covered
Eyeglass Reimbursement	Not Covered		\$200 every 24 months		\$200 every 24 months	\$200 every 24 months	Not Covered	

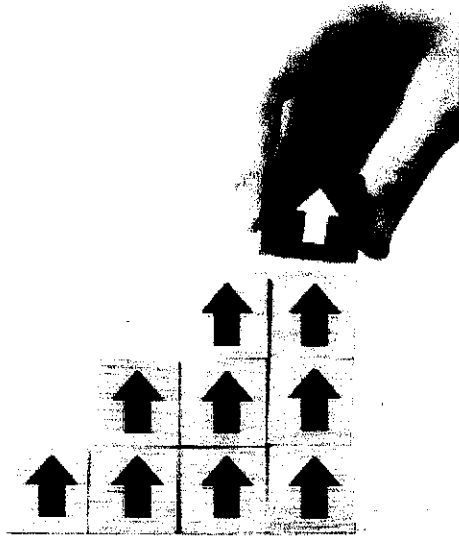
Plan Design	Aetna PPO Core		PPO 20/35 Alt Plan #1		EPO 15/26 Alt Plan #2 (In Network Only)	EPO 20/35 Alt Plan #3 (In Network Only)	HDHP 3000 Alt Plan #4
Benefits	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	OON (UCR)	IN (Contracted Rates)	IN (Contracted Rates)	IN (Contracted Rates) OON (UCR)
Prescription Drugs	Retail: \$15/\$35/\$50-30 Day Supply Mail Order: \$30/\$70/\$100-90 Day Supply		Retail: \$0/\$30/\$60-30 day supply Mail Order: 2x copay-90 day supply		Retail: \$0/\$25/\$50-30 day supply Mail Order: 2x copay-90 day supply		100% after deductible-Generic 90% after deductible-Pref Brand 80% after deductible-Non-Preferred Brand

Dental Benefits All Plans	Delta Dental 70/30
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Prosthodontics	50% after deductible
Implants	Not Covered
Orthodontia-Children Only	50%-\$1,000 Lifetime Max

IRS Announces 2023 HSA Limits

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The Internal Revenue Service (IRS) published the 2023 annual contribution limits for Health Savings Accounts (HSAs) on April 29. They also announced high deductible health plan (HDHP) minimum deductibles and out-of-pocket maximums for next year.

2023 HSA Contribution Limits

For 2023, HSA owners will see a significant increase in the amount they can contribute to their accounts.

The annual limit for those with self-only coverage will be \$3,850, an increase of \$200 over 2022. For those with family coverage, the 2023 annual limit will be \$7,750, an increase of \$450.

2023 Minimum Deductibles

To be HSA-qualified in 2023, an HDHP must have a minimum annual deductible of \$1,500 for self-only coverage and \$3,000 for family coverage.

2023 Out-of-Pocket Limits

Annual out-of-pocket limits are increasing next year. In 2023, the limits are capped at \$7,500 for self-only plans and \$15,000 for family plans.

2023 HSA Contribution Limits, HDHP Minimum Deductibles, Out-of-Pocket Limits

	Annual Contribution Limits	HDHP Minimum Deductibles	Out-of-Pocket Limits
2023 Self Only Coverage	\$3,850 (+ \$200)	\$1,500 (+\$100)	\$7,500 (+ \$450)
Family Coverage	\$7,750 (+ \$450)	\$3,000 (+\$200)	\$15,000 (+ \$900)
2022 Self Only Coverage	\$3,650	\$1,400	\$7,050
Family Coverage	\$7,300	\$2,800	\$14,100



Borough of Montvale

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Montvale NJ 07645

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OPT-OUT HEALTH BENEFITS FORM 2023

EMPLOYEE NAME: _____

I hereby opt-out of the Borough of Montvale's Health Benefits Program (Medical/Prescription/Dental/Vision) for myself and, if applicable, all family members eligible to be covered under these health benefits, for the year 2023.

I understand I will not be covered by the Borough for any health benefits for the Plan Year 2023.

Effective May 21, 2010, in exchange for such non-participation of health benefit coverage, an employee shall be entitled to receive in December of each opt-out year, a maximum amount equal to \$5,000., or 25% of the amount of the savings to the Borough as a result of such opt-out, whichever is less, for the applicable coverage category for which the employee is eligible, i.e. Single/Husband and Wife/Family, for that opt-out year. **For the plan year 2023, the determination of the amount saved by the Borough shall be calculated based on the lowest cost plan offered by the Borough. If an employee was enrolled in a Borough Health Plan the prior year, the opt-out calculation is based on the cost of the plan the employee had been enrolled in. Payment shall be authorized at the end of the opt-out year at the December Mayor & Council meeting and shall be paid through the normal process.**

The Borough reserves the right, on an annual basis, to cancel or change the amount of the annual financial incentive. The Borough will provide notification of any changes at the time of the open enrollment period every year.

An employee who opts out of the Borough's 2023 health benefits program may not opt back in for health benefits until the open enrollment period in 2023 for the year 2024.

An *exception* of this policy would be the loss of alternate coverage in which the alternate coverage policyholder loses coverage due to termination of employment, retirement, or employer no longer provides health coverage for its employees. Written proof from employer stating reason for loss of coverage must be provided to the Borough.

Request for reinstatement shall be filed with this office *at least thirty (30) business days prior to the date of reinstatement which must start on the 1st day of a month*. For example, if reinstatement request is received on the 14th of March, reinstatement would not become effective until May 1. The annual financial incentive would be pro-rata to the effective date of reinstatement.

For employees who opt out and leave the employ of the borough during the year 2023, the annual financial incentive would be pro-rata to the end of the month in which the termination takes place.

The undersigned agrees to the terms and conditions as outlined here and in the Personnel Policies Manual and fully understands and agrees to be fully responsible for his/her own medical/prescription/dental/vision insurance during any period of waiver.

In addition, the undersigned hereby holds harmless and indemnifies the Borough with respect to any and all claims regarding the undersigned's medical, dental and prescription insurance during any period of waiver of coverage.

By signing this waiver, the undersigned hereby certifies under penalty of perjury:

- 1.) That the employee is eligible to receive the type of health coverage (single, family, etc.) being waived; and
- 2.) That the employee has obtained medical coverage from another source for the applicable plan year.

Employee Name

Date

PLEASE CHECK COVERAGE FOR WHICH THE EMPLOYEE IS ELIGIBLE FOR 2023:

SINGLE: _____
PARENT/CHILD: _____
HUSBAND/WIFE: _____
FAMILY: _____

Authorized by:

Administrator

Date

cc: Personnel File
Treasurer

CERTIFICATE OF DETERMINATION AND AWARD

I, Kenneth A. Sesholtz, Chief Financial Officer of the Borough of Montvale, in the County of Bergen, New Jersey (the "Borough"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the Borough referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amounts indicated in the chart.

Total Principal Amount:	\$4,750,000
Number:	2022-01
Denomination:	\$4,750,000
Issue Date:	10/20/2022
Maturity Date:	07/14/2023
Interest Rate Per Annum:	3.52%, payable at maturity

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to M&T Bank, Tarrytown, New York, at the price of \$4,750,000.


3. No bonds of the Borough have heretofore been issued pursuant to the bond ordinances referred to in Section 1 hereof, except as set forth in the attached chart.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, is as stated in the attached chart.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinances described in the attached chart except as set forth therein.

6. No notes or other obligation in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinances referred to in the attached chart and now remain outstanding and unpaid except as set forth in the attached chart.

IN WITNESS WHEREOF, I have hereunto set my hand as of October 20, 2022.

A handwritten signature in black ink, appearing to read 'K. Sesholtz', is written over a horizontal line.

Kenneth A. Sesholtz, Chief Financial Officer

**BOROUGH OF MONTVALE, IN THE
COUNTY OF BERGEN, NEW JERSEY**

\$4,750,000 BOND ANTICIPATION NOTE

DATED DATE: OCTOBER 20, 2022

MATURITY DATE: JULY 14, 2023

BOND ORDINANCE NUMBER	DESCRIPTION OF IMPROVEMENT AND DATE OF ADOPTION OF BOND ORDINANCE	ORIGINAL BOND AUTHORIZATION	PERIOD OF USEFUL- NESS	HISTORY OF OBLIGATIONS BEING REFUNDED	NEW MONEY	REIMBURSEMENT AMOUNT/DATE OF FIRST EXPENDITURE	PROCEEDS TO BE USED FOR CONSTRUCTION	AMOUNT TO BE ISSUED
2022-1519	Various capital improvements, finally adopted May 31, 2022.	\$1,605,500	10.11 years	N/A	\$369,050	\$0	\$0	\$369,050
2022-1524	Acquisition of property, finally adopted August 30, 2022.	\$4,380,950	40 years	N/A	\$4,380,950	\$0	\$0	\$4,380,950
TOTALS:					\$4,750,000	\$0	\$0	\$4,750,000

Reimbursement – Only include in this column amounts used to reimburse expenditures not funded by bond or note proceeds (*i.e.*, payments made from the general fund). This does not include amounts interfunded from bond or note accounts (*i.e.*, Capital Fund) to another. It only means amounts expended from an account funded from the budget through taxes that were used on a project before issuing bonds or notes.

Construction Proceeds – Applies to new money only. The amount from the sale of the note that will be used for construction projects, including ALL soft costs in connection with construction. In short, anything that is not an acquisition project is construction. There is a construction exception for rebate, which is why we ask for this information.